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1871-1872







LETTERS

CONCERNING THE

ROMAN CHANCERY.

L E T T E R S

CONCERNING THE

ROMAN CHANCERY.

BY THE

REV. RICHARD FULLER,
OF BEAUFORT, SOUTH CAROLINA:

AND THE

RIGHT REV. JOHN ENGLAND,

BISHOP OF CHARLESTON.

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P R E F A C E .

THE following correspondence will sufficiently develop its own history. The letters originally made their appearance in the *Charleston Courier*, were copied into the *U. S. Catholic Miscellany*, and portions of them appeared in several other papers.

Many applications were made to me soon after the termination of the correspondence, to republish the entire in one collection. These requests were made by persons of different religious denominations, the great majority not Catholics. The reasons assigned were; the general interest created by the principal question, *viz.* that concerning the alleged misconduct, or to speak more correctly, the imputed criminality of the Roman Chancery; the information which the discussion elicited, the doubts created as to the solidity of the basis on which very grievous imputations against the doctrine and practice of the Catholic Church rested, and the wish to possess the entire discussion in such a form as would better enable the inquirer to compare statements and examine proofs, and thus come to a satisfactory conclusion.

It was not convenient to have the publication made at the moment; but the desire for it having been repeated, and the correspondence having been noticed in Europe, decided me upon assenting to its production.

The letters, on my part, and I suppose the Rev. Mr. Fuller would say the same of his, were hastily written, without much of that research which the subject admitted and perhaps required, were sometimes as hastily printed as they were written; and are not therefore finished productions. Much of what is thus imperfectly put forward could be made more clear and strong, and the entire could be greatly, and perhaps beneficially abridged. But I did not feel myself at liberty to retouch a line or to alter an expression, without allowing to my Rev. opponent a similar right. The only alterations then made were the mere correction of press errors, without any change of meaning or expression.

The discussion of the main question drew after it incidentally various topics, not originally contemplated by me, and I presume, not intended by Mr. Fuller. I did not feel warranted to omit them, though I should prefer their exclusion. If they be extraneous and improper, it is for the reader and not for the writer to decide who is accountable for their introduction.

For my own part, I would infinitely prefer publishing a much shorter, and I think a better compilation upon the original subject, to giving the correspondence as it now is put forth, but I am not warranted to interfere with what now belongs neither to the Rev. Mr. Fuller nor to me, for it has long since, whatever may be its value, become the property of the public.

† JOHN, *Bishop of Charleston.*

JUNE 1st, 1840.

CORRESPONDENCE.

ROMAN CHANCERY.

SALE OF LICENSES TO MURDER, &c.

The following article is taken from the *Charleston Courier*, of Wednesday, July 31st, 1839.

McPhersonville, July 24, 1839.

MESSRS. EDITORS—By the closing resolution of the within, you will perceive that the Editors of sundry papers are respectfully solicited to publish the proceedings now sent. As a Committee appointed to attend to this matter, we take the liberty of forwarding to you the same for publication in your paper.

Respectfully, yours, &c.

EDWARD PALMER.

JOHN B. GROSS.

According to previous notice, a special meeting of the Prince William's Temperance Society was held, at Hoospa Church, on the 22d inst., to consider the expediency of petitioning the Legislature to abolish the existing license laws. After having been duly organized with prayer, by Rev. R. Fuller, the Society was, on motion of Rev. C. Davis, resolved into a popular meeting of citizens. The President, Rev. Edward Palmer, and the Secretary, Mr. John B. Gross, still retaining their seats.

In pursuance of a motion by Rev. R. Fuller, it was

Resolved, That a committee of three be appointed by the Chair, to draft a memorial to be presented to the Legislature at its next session:

Whereupon the Rev. R. Fuller, Albert Rhett, Esq. and Rev. J. N. Davis were appointed.

The Committee having submitted their memorial, it was, after a free and full conference, unanimously adopted.

Memorial to the Hon. Members of the Senate, and House of Representatives of the State of South Carolina:

The petition of the undersigned, inhabitants of Prince William's Parish, sheweth,

That your petitioners are amongst those who regard intemperance as one of the greatest evils by which the human race has ever been cursed, and who deem its suppression a high duty—demanding and deserving their most unwearied efforts. They rejoice that, not only in their neighborhood, but throughout the whole Union, the cause of temperance is asserting its solemn importance, attracting to its support the zeal and talent, experience and piety of the land, daily acquiring strength and achieving victory. Nor can your petitioners suppose any man to be a Christian, or patriot, or philanthropist, who does not feel an interest in the final triumph of such a cause.

Much, however, as may be and has been done by exertions, individual and associate, your petitioners beg leave respectfully to state to your honorable bodies, that the friends of Temperance must always see their labors in a great measure frustrated, and their hopes disappointed, so long as the traffic in fiery spirits is sanctioned by the laws of the land, and the retail of this baneful fluid continued as a source of public revenue.

Your petitioners are not without apprehension that their prayer may at first encounter opposition from those who have not seriously reflected on the misery which intemperance is inflicting upon our population, bond and free—the blight it is shedding upon the dignity of our State, and the happiness of our homes. But at least the motives of your petitioners will be respected, nor will the virtue and piety of her children let die the principles on which they address you—until the time shall come,

when the legislators of a Christian community will regard an enactment to license the retail of ardent spirits, with the same abhorrence which they feel toward the statute formerly passed by the Roman Chancery, making assassination and murder, and prostitution, and every crime, subjects of license and taxation, and regulating the price at which each might be committed.

Even if alcohol possessed no properties at all—yet, no wise law giver ought to sanction its distillation or retail. It is not needed for the support, or health, or happiness of man. It is often extracted from the substances which are required for the sustenance of life.

It consumes an immense amount of labor and wealth; and above all it exerts a magic sorcery, by which men are so enchanted, that they will barter for it their property, their honor, their families to sanction their lives. Now, ought any legislative body, be the traders in such thing? As the guardians of the people, might we not hope—even if alcohol were innoxious, if it were clay, or sawdust—might we not hope, that you would interfere, and rescue your constituents from the fraud and villainy, which seeks to profit by their insatiation, and barbarously cheat them of their substance? Do not your statute books denounce righteous penalties against swindling? But, if that crime be the “obtaining from a man, property under a false pretence,”—would not the retailer, (even on the present supposition) be a swindler? would he not be a knave, availing himself of the insanity of those around him, and *ministering to that insanity*, that he might thereby gratify his cupidity, and under pretext of traffic, palm upon monomaniacs an article of no value—but as to which they are bewitched—thus spoil them of the fruit of their labor or their heritage from their fathers?

Even then, if this liquid were only of intrinsic value, the principles which cause you to punish swindling and fraudulent transactions ought, your petitioners humbly submit, to prevent your legalizing it as a valuable consideration.

But is it necessary that your petitioners should offer any proof as to the fatal effects of ardent spirits? Is there a single member of your honorable bodies who doubts that the streams with which, by your permission, the retail shops are deluging every town and village and plantation in the State, are in fact, a most horrible scourge? Is there a court of justice, civil or criminal—is there a jail—is there an asylum for lunatics—a grave yard in the United States, which does not confirm this awful truth?

Have not your judges, your solicitors and your jurors, again declared that almost every crime which stains our dockets is the consequence of intemperance. Do not the shattered frames, the prostrate hopes, the wasted fortunes, the ruined families, the lost souls of your friends and your neighbors, every where attest the ravages of this desolating foe—and loudly proclaim, that to license the sale of ardent spirits, is to license the sale of poison—the insidious dispersion of pestilence and of death?

Your petitioners are confident there is not one in your honorable bodies who can doubt these things. Why, then, ye who are the protectors of the public welfare, the censors of the public morals—why should your petitioners not hope that you will at once arrest the evil? Other States have abolished the license laws, and posterity will bless their names for their deed. May not petitioners and constituents expect that this state, so conspicuous for virtue, will also range herself on the side of religion and humanity; and mercifully save the lives, and souls of her citizens, by sealing hermetically the fountains of destruction?

Your petitioners respectfully insist that they entreat of you no infringement, no retrenchment of any man's just liberty. The privilege which the distillers claim, is that of the swindler to defraud, and the assassin to kill. Can any man pretend that he has a right to gain a livelihood by the manufacture of drunkards—the propagation of crime and pauperism? By the debasing fathers and husbands into sots, and reducing wives and children to a condition infinitely worse than that of the widow and

the orphan? Nor is your power to apply effectual remedy at all doubtful. If you possess the power of granting and regulating and refusing licenses to retail ardent spirits, you, of course, possess that of abrogating them altogether. And your petitioners are confident, that such abrogation will be hailed as a blessing by all classes—except the mercenary traffickers in death, and their wretched and deluded victims.

If (which by Dr. Rush and other eminent physicians is denied) alcohol be a medicine for which there is no substitute, let it then, your petitioners pray, be confined to the stores of the authorized venders of medicines, as it first used to be. But your petitioners humbly and earnestly beseech your honorable bodies, so to alter the present license laws as to relieve the country from the burden under which it is now groaning. They entreat that you will no longer suffer our land to be swept by a plague, which is blasting all that is fair and glorious, with a mildew; preying upon the vitals of society; degrading the master into a slave, and the slave into a beast, and entailing from father to son poverty, vice, disease, disgrace, and everlasting damnation.

Your petitioners assure your honorable bodies that the public mind is roused and agitated on the subject of this address, and awaits your decision with deep solicitude.

In every Parish, in every part of this State, heartless and unprincipled men are now busily doing the work of fiends; sedulously plying our youth, and industriously day and night decoying and debauching our servants. And your present regulations not only provide no remedy for the evil, but aggravate it; since their only consequence is, to quicken the diligence of the destroyer—who (over and above his exorbitant gains) must extort from his victims the price of blood, the sum which the State demands for permitting him to rifle and ruin her citizens.

Your petitioners, therefore, humbly entreat that this subject may not be stifled in a committee room, but may be honored with the attention its importance merits; that it may be discussed by that wisdom for which your bodies are distinguished. And, while your petitioners do not

presume to dictate, but confide in your experience and judgment to devise such remedy as the case may demand—they respectfully pray that the present system may be so amended, as to restrict the retail of ardent spirits to the shops of authorised Apothecaries and Druggists, and to prohibit all others from selling them in any quantity less than twenty gallons.

Such laws being enacted, the pestilence, under which the land mourns, will at once be stayed; the poison-mongers will no longer be able to elude detection, the virtue and energy of your citizens will purge every district of those nurseries of vice and crime, by which they are now infested; and this little State, so dear to us all, will pursue her career onward and upward, emancipated from the most galling bondage, gathering into her lap the riches of the earth, and enjoying the smiles of God, upon her agriculture and her commerce.

And your petitioners, as in duty bound, will ever pray, &c.

On motion of Rev. J. N. DAVIS it was

Resolved, That two hundred copies of the adopted memorial be immediately printed for circulation and signature.

On motion of Rev. Mr. KIRKLAND, it was

Resolved, That the Chair be empowered to appoint a Committee to procure signatures to the petition, and that an adjourned meeting convene, at Ebenezer Church, on the second Thursday in September, to receive the report of said committee.

On motion of Rev. R. FULLER, it was

Resolved, That in the opinion of this meeting, the memorial to the Legislature is of such importance as to render it expedient for us (together with its presentation by our Representatives) to secure if possible, special advocacy of the measure contemplated by us; in furtherance of which we earnestly solicit the Hon. John B. O'Neill, and Albert Rhett, Esqr. to present our views to the Legislature at its next session, and urge the abrogation of the license laws.

On motion of Mr. BENJAMIN M. PALMER, it was

Resolved, That a Committee be appointed to correspond with the affiliated Societies of the State Temperance Society, requesting them to co-operate with us in recommending to their several districts the policy of petitioning the Legislature to grant a repeal of the existing license laws, and that a copy of the memorial adopted by this meeting accompany each letter:

Whereupon, WM. FERGUSON HUTSON, Esq. and Mr. BENJ. M. PALMER, were appointed.

On motion,

Resolved, That the Editors of the Charleston papers, the Temperance Advocate in Columbia, and the Biblical Recorder in Raleigh, (N. C.) be respectfully solicited to publish the proceedings of this meeting, together with the memorial, in their respective papers, and that the Chairman and Secretary be the Committee to prepare the same for publication.

The following is from the same paper of Thursday, August 1:—

The Editor of the *Courier* having printed in his paper of this morning, the article to which the following note refers, will oblige, by the insertion of my call upon Mr. RHETT,

His obedient, humble servant,

† JOHN, *Bishop of Charleston.*

Wednesday, July 31, 1839.

Charleston, July 31, 1839.

To ALBERT RHETT, *Esq.*

SIR—I find by the *Courier* of this morning, that you were associated with two Clergymen, in reporting to a meeting held at Hoopsa Church, on the 22nd inst., the draft of a Memorial to be presented to the Legislature at its next session. I perceive also, that you have, by a resolution of the meeting, been selected to present its views to the Legislature. I presume, therefore, that no one is better fitted to explain the statements of that Memorial than you are.

That document contains the following passage:

“The motives of your petitioners will be respected, nor will the virtue and piety of their children let die the principles on which they address you—until the time shall come when the Legislature of a christian community will regard an enactment to license the retail of ardent spirits, with the same abhorrence which they feel toward the statutes, formerly passed by the Roman Chancery, making assassination and murder and prostitution, and every crime, subjects of license and taxation, and regulating the price at which each might be committed.”

It would be idle affectation on my part to conceal my suspicions of the purport of this passage; yet I am very unwilling to impute to a gentleman, for whose education and talents and honor, I have great respect, the motive or the want of information which those suspicions would imply, and the more especially as I have had previous experience of the candor and honor of some of your relatives, under similar circumstances.

I therefore take the liberty of calling upon you to bring to my view, as publicly as you please, the statutes to which you refer, that if you, and the other gentlemen at that meeting, have been misinformed, an opportunity may be given of correcting your mistakes; but if you be correct, that the whole community may unite with you in the reprobation which you so justly cast upon the Roman Chancery.

I have the honor to be, sir,

Your obedient, humble servant,

† JOHN, *Bishop of Charleston.*

Bishop ENGLAND requests, as an act of justice, that any papers which may insert the memorial, will have the goodness to insert this letter.

We would inform our distant readers that Mr. Rhett is a young gentleman of talent and education, belonging to one of our most respectable families, and is a member of the House of Representatives of South Carolina. It is of course the more to be regretted that he should fall into any serious mistake which may be, in its results, hurtful to the feelings and injurious to the interests of a large body of his fellow-citizens. We are greatly mistaken if he will not on the present occasion act an honorable and manly part. His course is simple. He has but to produce the statutes or to refer to them in a distinct manner, so that they may be found; or if he cannot do this, avow his mistake and have the passage expunged from the memorial.

From the *Courier* of August 8, 1839.

To the REV. JOHN ENGLAND, Bishop of Charleston:

SIR—Mr. RHETT, not being the person who reported, (and of course, wrote) the Prince William's Memorial, neither I nor the public can consent to your involving him in any responsibility or controversy growing out of that document. That gentleman is at present in one of the neighboring Islands, and as he will not return before the mail closes, I feel it due to you and the public and myself, to take some notice of your communication in the *Courier*.

Permit me to assure you in the outset, that the Committee had no design to reflect upon the present regulations or polity of the Roman Catholic Church. Whatever these may be—and whatever our settled convictions concerning them, the address to the legislature would have been an improper vehicle for strictures on a reli-

gious sect. Let any candid man read the memorial, and he will see that the acts of the Roman Chancery are referred to as "formerly" enacted. There is even an impression left on the mind of a reader that the abuses no longer exist; and really, sir, in comparing the legislature of South Carolina at this day, to that of Rome, in the corruptest age of her history it was scarcely supposable that even your sensitiveness could find itself wounded.

But you deny the existence of the abuses at any time. Is it possible? Do you seriously demand public proof before an educated community, of the fact, that the Church of Rome did formerly sell indulgences for money, and that these indulgences did profess to absolve men from the consequences of sin? And that there was printed at Rome in 1514—then at Colonge in 1515—then at Paris in 1520, and other places—the "*Tax Book of the Roman Chancery*," entitled "*Regulæ, Constitutiones, Reservationis Cancillaria S. Domini nostri Leonis Papæ decimi, &c.*" containing the sums to be paid for absolution from the crime of murder, parricide and incest, and all other enormities? Do you mean to deny these things? If you do, upon yourself must rest the blame of causing the proof to be spread before the public. Wishful, however, to be spared so painful a duty, I shall, at present, withhold the quotations I had prepared, and await your pleasure.

Permit me, sir, respectfully to ask, if it would not be better for you to unite your great influence and abilities with the efforts of pious men, for the suppression of a crying evil in the land, and not divert the public mind from the humane enterprise contemplated in the memorial, by zealous, but vain attempts, to deny what all history confirms, or palliate what all reason and religion must for ever condemn?

I am, Sir, your most obedient humble servant,

RICHARD FULLER.

Beaufort, S. C. August 5, 1839.

To the REV. RICHARD FULLER, Beaufort:

SIR—For the reasons stated in my note to Mr. Rhett, I applied to him. In your note of the 5th inst, you give a reason for exonerating that gentleman, and shewing that the application ought to have been made to you.

I denied not the existence of abuses, neither did I assert it:—but I stated that I had suspicions of the purport of a particular passage which I quoted from the memorial:—and I asked an explanation of its meaning, in order to ascertain whether those suspicions were well founded. My suspicions were, that the memorial intended to convey the impression, that by virtue of certain statutes of the Roman Chancery, Roman Catholics could purchase licenses to commit the crimes which were there enumerated, by paying, according to the statute, the prices at which each could be committed. I suspected that if such was the intention of the memorial, its object was to cast obloquy upon the Roman Catholic religion, and of course upon its professors. I considered that if Mr. Rhett was under the impression that the Roman Catholic religion did sanction such a process it was for want of information.

You now inform me that the committee had no design to reflect upon the present regulations, or polity of the Roman Catholic church. I am thus, I presume, assured by you that even if such statutes as the memorial refers to did exist, they are no part of the Roman Catholic religion; for that religion we hold now as to doctrine, as it was held at all times.

You next refer to Indulgences. It is, I apprehend, quite a different topic from that alluded to in the memorial; because the memorial refers to statutes giving a license to commit sin upon the payment of a certain tax. An Indulgence is not a license to commit sin, either with or without payment of a tax.

You will therefore not expect that I should open new ground, by entering upon a topic not alluded to by the passage which I selected from the memorial.

You ask, whether I deny that money was to be paid according to a book which you say was printed in Rome in 1514, then at Cologne in 1515, at Paris in 1520, &c. for absolution from the crime of murder, parricide, incest, and other enormities. Suppose I did see such a book, and that it was what you describe; it would not sustain the truth of the charge in the memorial; for it would only prove that a penalty was inflicted upon the delinquent after the commission of the crime, not that a license was previously granted. Should the legislature, in accordance with your memorial inflict a fine upon the retailer of ardent spirits, whilst it forbade such retail and refused to grant previous license; it would be rather a strange assertion, to say, that it did grant the license because it inflicted the fine.

Now, Sir, I do not know of any book now, or at any previous period, which fixes any price for absolution from any sin, according to the doctrine of the Roman Catholic church.

I beg now to remind you of the precise question to which I conceive we are confined. "Is there any statute of the Roman Chancery making assassination and murder and prostitution and every other crime subjects of *license and taxation*, and regulating the *prices at which each may be committed*?"

I beg to assure you, that in the Roman Catholic church an Indulgence is not a license to commit sin, neither is it a mode of regulating the price at which sin may be committed, nor is it absolution from a sin already committed. Thus it is not what your memorial describes, and it will be full time for that subject to be taken up, if at all, after clearing the question of the "license to commit sin for money by virtue of a statute of the Roman Chancery."

I do not touch upon the other topics of your note, as I wish to keep closely and exclusively to the question at issue.

I have the honor to be, Rev. Sir,

Your obedient humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, August 8, 1839.

From the *Courier* of August 17, 1839.

To the REV. JOHN ENGLAND, Bishop of Charleston:

SIR—The point upon which we have joined issue is this: Was there ever a tariff enacted by the Roman Chancery,* affixing to crimes the sums at which each might be committed? And I submit to your candor, that it is perfectly relevant to this question, to show that indulgences were sold for money, and that they did profess to absolve from the consequences of sin. If these can be proved, it follows of course, that the vender had a rate of assessment, since no merchant exposes wares to sale without fixing their prices.

I shall, therefore, first establish these facts, and then introduce testimony, more conclusive, out of the Tax Book itself. It may, indeed, appear superfluous to occupy any time with the former sort of evidence, when I possess the latter—but it is not so. All must see that your only refuge will be to dispute the authenticity of the Tax Book as well as you can. It is, therefore, important to satisfy the public, first of all, that *some* tariff must have existed.

First, then, did the Roman Chancery ever authorize the public sale of indulgences for money, and did these indulgences profess to remit the penalties of sin? This is the first question. It is a question of fact, and I beg that you will not perplex it by any distinction between a license and a tax. The books show that indulgences were often prospective—but it would be the same if they were always retrospective, and, in the present enquiry, you certainly must see that your argument is sophistical, and your illustration by a supposed act of the Legislature without any analogy. If you wished to make a com-

* By Roman Chancery, I mean the Roman Court of which the Pope was supreme head. It is of this the memorial speaks. You may attempt to say, this is not "*the Church*." But what is "*the Church*?" You know that although "*the Church*" claims infallibility, you cannot say what "*the Church*" is. Popes have decided against Popes, and Councils against Councils, and both against Scripture.—(*See Faber's Diff. of Rom. ch. 2.*)

parison, you ought to have supposed the case of a Governor's sending emissaries through the state to sell pardons for money. In such a case, where would be the moral difference between his proclaiming "that a crime might be committed for a certain sum," and his publishing "that if a crime be perpetrated, the penalty should be remitted for the same sum?" The allegation is not that the Roman Chancery imposed a fine upon transgressors, but that, in order to raise funds, it absolved men from the punishment which God and justice annex to guilt—provided they paid the price demanded.

This is the charge alleged, and the testimony to maintain it is so accumulated, that the only difficulty is in selecting. Let us turn, first, to those preachers who were well acquainted with your Church, and of those I take only one—I mean Saurin. The name of this man is honored over the world. He was certainly the most eloquent and learned divine Europe ever produced. He knew the practices and doctrine of the Roman Church perfectly, and he preached in the face of that Church, at a time when it exulted in power, and when you cannot allege that he would have uttered an unfounded calumny. Hear him:

"Rome, what a fair opportunity have I now to confound thee! Am I not able to produce in the sight of the whole world full proof of thy shame and infamy? Does not a part of thy revenues proceed from a tax on prostitution? Are not prostitutes of both sexes thy nursing fathers and nursing mothers? Is not the Holy See, in part, supported, to use the language of Scripture, by 'the hire of a harlot and the price of a dog?'"—*Ser. sur la Pen. de la Pech.*)

"Do you seriously think, that the Divines of the Church of Rome, when they dispute with us, for example, on the doctrines of indulgences and purgatory, do you really think they require proofs and arguments of us? Not they. The more clearly we reason against them, the more furiously are they irritated against us. I think I see them calculating the profits of their doctrines to themselves, consulting that scandalous book, in which the

price of every crime is rated—so much for murder, so much for assassination, so much for incest; and finding on each part of the inexhaustible revenue of the sins of mankind, arguments to establish their belief.” (*Ser. sur la Suff. de la Rev.*) In a note to this passage, the editor says “Mr. Saurin means the tax book of the Roman Chancery, which we have mentioned in the preface to the 1st vol. p. 7. This scandalous book was first printed at Rome in 1514, then at Cologne in 1515, at Paris in 1520, and at other places since. It is entitled, *Regulæ, Constitutiones, Reservationis Cancellarii S. Domini nostri Leonis Papæ decimi, &c.*

There we meet with such articles as these:

“Absolution for killing one’s father or mother, 1 ducat, 5 carlins.

“Ditto, for all acts of lewdness committed by a clerk, with a dispensation to be capable of taking orders and to hold ecclesiastical benefits, &c. 36 tourn, 3 ducats.

“Ditto for one who shall keep a concubine, with a dispensation to take orders, &c. 21 tourn, 5 ducats, 9 carlins. As if this traffic were not scandalous enough of itself, it is added, *Et nota diligenter, &c.* Take notice particularly, that such graces and dispensations are not granted to the poor; for, not having wherewith to pay, they cannot be comforted.” (Saur *Ser.* by Robins, vol. 1st, p. 219.)

What will you say to that, Sir? I leave you to answer, and appeal in the next place to history, and quote from Mosheim. I select him because he is acknowledged, by Christian and Philosopher, as a most erudite and impartial recorder of facts. He was on the spot; at the head of the University of Gottingen, in 1740, and his work is a standard. Hear him!

“This universal reign of ignorance and superstition was dexterously, yet basely improved by the rulers of the Church, to fill their coffers and to drain the purses of the deluded multitude. Ay, indeed, all the various ranks and orders of the clergy, had each their peculiar method of fleecing the people. The bishops when they wanted money for their private pleasures, or for the exigencies of

the Church, granted to their flock the power of purchasing the remission of the penalties imposed upon transgressors, by a sum of money which was to be applied to certain religious purposes, or in other words, they published indulgences, which became an inexhaustible source of opulence to the Episcopal orders, and enabled them as is well known, to form and execute the most difficult schemes for the enlargement of their authority, and to erect a multitude of sacred edifices, which augmented considerably the external pomp and splendor of the Church. When the Roman Pontiffs cast an eye upon the immense treasures that the inferior rulers of the Church were accumulating by the sale of indulgences, they thought proper to limit the power of the bishops in remitting the penalties imposed upon transgressors, and assumed, almost entirely, this profitable traffic to themselves. In consequence of this new measure, the Court of Rome became the general magazine of indulgences: and the Pontiffs, when either the wants of the Church, the emptiness of their coffers, or the demon of avarice, prompted them to look out for new subsidies, published not only an universal, but also a complete, or what they called a plenary remission of the temporal pains and penalties, which the Church had annexed to certain transgressions. 'They went still farther, and not only remitted the penalties which the civil and ecclesiastical laws had enacted against transgressors, but audaciously usurped the authority which belongs to God alone, and impiously pretended to abolish even the punishments which are reserved in a future state for the workers of iniquity; a step this, which the bishops with all their avarice and presumption had never once ventured to take.' (Mosh. vol. 3, pp. 83, 84, 85.)

The limits prescribed to this letter, compel me to sacrifice quotations from other historians. In Robertson's Charles V. (p. 126,) we have the form of indulgences. You would have us believe they are nothing. But you will not be offended at my preferring the authority of the Holy See to yours. Who would have bought—had absolution been the nullity to which you would explain it? No, Sir, Tetzels—the Pope's legate to sell indulgences

(and who for his fidelity was made Apostolic Commissary and Inquisitor.—See Encyl. America. Art. Tetzels)—described more truly the holy merchandise. “If any man,” said he, “purchase letters of indulgence, his soul may rest secure as to salvation,” &c. (See Robertson’s Ch. V. p. 126.) The indulgence itself absolved from all punishment, so that the purchaser was declared to be “restored to the innocence he had at Baptism, and when he died, the gates of punishment should be shut, and the gates of paradise opened.” (Robertson’s Ch. V. 126, where the whole is given.) In the Encyclopædia of Religious Knowledge,—and in Buck’s Theological Dictionary, the form of an indulgence is also correctly given. In Waddington, we have Beausobre’s translation of the indulgence which was “the authorised production of the Church;” and the historian well says, “in spite of some ambiguity, it is a permission to sin for life, and was assuredly so received.” (Wadd. Hist. p. 541.) Such was the traffic in Luther’s time, that Erasmus (a Roman Catholic) says, “Purgatory was nearly empty.” (Op. Eras. Tom. v. c. 359.) Giessler, in his Text Book, cites Roman Catholic authors, who admit readily the traffic, (“indulgences, Pardons, Dieu et le Diable ils mettent, tout en usage,”) and complains of the hardships on the poor, (“Les riches au roient donc plus de facilite pour le Salut,”) &c. (Giessler, v. 2, p. 357.) M. Burigni, (Roman Catholic,) in his life of Erasmus, speaks freely of the scandalous trade. In short, I need not multiply authorities, for Jortin well remarks, that “all the Popish writers give up the point, and confess the shameful traffic.” (Jort. Life of Eras. v. 1, p. 107.)

I consider, therefore, my positions as incontestible. The Roman Chancery did publish the sale of indulgences for money, and did amass vast sums by the business; and whatever you may say about “*the church*,” Leo X. declared that he had undoubted right “to sell indulgences, and that they ought to be received with implicit confidence *according to the decisions of the Church, and on pain of excommunication.*” (Scott’s Con. of Milner where his reply to the Protestants is cited.) And now,

if the established tariff had never been published, I insist that every man would be satisfied that it must have secretly existed. I repeat that no one opens a store without fixing the prices of his commodities.

So unblushing, however, was the Roman Court, that it did actually publish the rates by which itself and its agents were to be governed. I have already referred to Saurin and his Editor. Robertson says "this traffic was so far from shocking mankind, that it soon became general, and, in order to prevent any imposition in carrying it on, the officers of the Roman Chancery published a book containing the precise sum to be paid for the pardon of every particular sin." (Robert. Ch. V. 136.) In the Encycl. of Relig. Knowledge, and in Buck's Theolog. Dict. (Art. Indulgence) we have extracts from this Tariff. Brunet, in his catalogue of works contained in European Libraries, (a Bruxelles 1821 notices the work as "*Taxe de la Chancellerie Romaine ou Banque du Pape*, Printed at Lyons, 1564—Reprinted 1744,") and in Bayle, the publication and contents of the pamphlet are fully discussed. To dispute Bayle's correct and profound erudition, you will not venture, and remember he was no Protestant. He was for years a Catholic, and never certainly favored the Reformation. What then does Bayle say? I will translate a few passages from the Art. Pinet (B.)

"He (Pinet) wrote notes to the French translation of the Tax Book of the Roman Chancery. The title of that book is the Contingent Revenue (Taxes de Parties Casuelles) of the Papal Storehouse, digested by Pope John XXII, and published by Pope Leo X, containing the prices of absolution *for cash*, (argent comtant) from assassination, parricide, adultery, incest, &c. &c.

Bayle then finds fault with Pinet's notes, as being harsh against the Roman Church. He proves, that this edition of the Pamphlet differed *as to the sort of money named*, from another edition of it, cited by d'Aubigne who quotes the "Book of Taxes, where a good Catholic finds cheap bargains for his sins, (voit les péches à bon marche) and may know, at a glance, for how much he may be absolved. For incest with one's Mother or Sister, five gros. For

murdering a Father or Mother, one ducat and five carlins, &c.” In this last writer’s work, it is said that the first edition was that of Paris in 1520. Bayle shows that this is incorrect, that there was published an edition at Rome 1514, and one at Cologne, in 1515. Our author then expresses his astonishment that the Catholics continued to publish the Book (*il ait été reimprimé authentiquement*) even after the Protestants had upbraided them with it. He quotes a letter of Drelincourt (a Roman Priest) to the Bishop of Belley, in which he informs the Bishop “that the book brought great scandal on the Church, and that he himself had seen three editions—one of Rome, 1520, which the Catholics themselves cited (*souvent citée par les notres*) another of 1545, and a third in 1625, printed by the authorised Roman Catholic press, (*par celui-le même qui imprime vos livres.*) He states that he has, himself, the edition printed in Rome 1520, and calls the Bishop’s especial attention to one passage in the work, in which it is particularly noted that those who had not the money to pay should be denied indulgence, (“*et nota diligenter, quod hujusmodi gratiæ et dispensationes non conceduntur pauperibus, quia non sunt—i. e. they have no money!!—ideo non possunt consolari.*”)

Under the Art. “Banck,” Bayle has more on the same subject. He informs us “that Banck was a distinguished Swede—that he spent some time in Rome, and returned with great honor to his own country and died in 1662.” He procured in Rome an edition of the famous Tax Book of the Roman Chancery and published it. He not only examined the most ancient copies in print and manuscript, and compared them word for word (*mot à mot*)—and also the edition of Cologne in 1523, and that of Wittenburg in 1538, and of Venice in 1584—but he read also a manuscript copy shown him by Sibon, a Monk of St. Bernard and Lecturer in the college of Rome.” Bayle remarks that in the preface to Banck’s edition, it is observed that the authors of the Tax book finding it getting abroad endeavored to stifle it, (*nascentem suffocare conati sunt ipsi auctores*) and inserted it in 1570, in the index of prohibited books. He (Bayle) has not, he says, this index,

but he has the index of 1667, in which the work is not repudiated, but only prohibited *on the ground that the Protestants had corrupted it*. But he adds: "Suppose the Protestants have vitiated it, the editions of Rome, 1514, that of Cologne, 1515, those of Paris, 1520, 1545 and 1625, and that of Venice and one in the 6th vol. of the "*Oceanus Juris*" in 1533, and also in XV. vol. of the same collection in 1584—these editions cannot be disavowed, and are more than enough to justify the reproaches of the Protestants, cover the Roman Church with confusion (ces editions, dis je, sout plus que suffisantes à justifier les reproches des Protestants, et à couvrir de confusion l'église romaine.)

I think now, sir, that the Prince William's Committee have fully made out their case and I dismiss the subject. I repeat my assurance that they had no design to attack the Church of Rome, for many of the Members of which I have great personal esteem.

I have the honor to be, Rev.

Your obedient servant,

RICHARD FULLER.

Beaufort, S. C. Aug. 13, 1839.

N. B. The *Mercury* and other papers, which published Bishop England's letter to me, will, it is requested as an act of justice, give this a place.

From the *Courier* of August 19, 1839.

Charleston, August 17, 1839.

To the REV. RICHARD FULLER, *Beaufort*:

REV. SIR—I have just perused your letter of the 13th, addressed to me, in the *Courier* of this morning, and I hasten to reply.

Allow me, once for all, to assure you that if in the examination of this question any expression should escape me, that may appear to undervalue your knowledge, or to question your sincerity or honorable feelings, such is not my intention. I deem you to have been led to make your assertion by what you considered, and what a number of other gentlemen consider to be evidence. Nor am I astonished at this; for, to the ordinary reader, the mass of testimony appears to be respectable and abundant. You say that the limits prescribed in your letter compel you to sacrifice quotations. Of that I can have no doubt, for I could myself furnish you with ten times the number that you have adduced, and several of them in stronger terms: but you have in your letter all that I believe to be worthy of examination, and though you may add to the array, you could not increase the force.

You begin by stating the question, "Was there ever a tariff enacted by the Roman Chancery, affixing to crimes the sums at which each might be committed?" If I shall endeavor to keep you to the exact terms of the original charge of phraseology, you must, sir, as a well informed lawyer, be aware of the necessity in a case of this description, not for the purpose of evading the question, but in order to prevent its evasion: because the change of a word may change the question. Your words in the memorial were, "the statute formerly passed by the Roman Chancery, making assassination and murder and prostitution and every crime subjects of license and taxation, regulating the price at which each might be committed." You observe then, sir, that you have in your statement altogether omitted the assertion that the Roman Chancery

made the *specified crimes* subjects of *license* and taxation. I do not insinuate that you intended to change the question, but I remark upon the change. Again, in a note you adduce a quotation from Faber's difficulties of Romanism, by which you would appear to substitute "Roman Court" for "Roman Chancery." Now this I cannot allow, because the Roman Court has a number of tribunals, and the charge was specifically and directly made against only one of them, the "Chancery"—and this charge should be disposed of in the manner in which it was made. You will discover in the sequel that this precision will be exceedingly useful to solve the whole question.

Farther on in your letter, you remark upon a passage in mine to you as follows:—

"The allegation is not that the Roman Chancery imposed a fine upon transgressors, but that in order to raise funds, it absolved man from the punishment which God and justice annexed to guilt, provided they paid the price demanded." You add, "this is the charge alleged."

I beg leave to remark that I did not state the allegation to be as above made. I put only an hypothesis, "Suppose I did see such a book, and that it was what you describe: it would not sustain the truth of the charge in the memorial: for it would only prove that a penalty was inflicted upon the delinquent after the commission of the crime, not that a license was previously granted."

Nor is the allegation as you make it, "that men are absolved from punishment," but that a statute was formerly passed by the Roman Chancery, making the specified crimes subjects of license and taxation, and regulating the price at which each could be committed. This, sir, is the allegation, and to this for the present we must be confined.

You next come to Indulgences, and you appeal to my candor to admit that "it is perfectly relevant to this question to show that indulgences were sold for money, and that they did profess to absolve from the consequences of sin." I cannot, in truth, admit it, and therefore will not at present enter upon the subject. I consequently leave untouched all that you adduce upon that topic.

You next say that you will introduce "testimony more conclusive out of the tax book itself," and you add that "it may appear superfluous to occupy any time with the former sort of evidence (Indulgences) when you possess the latter"—I suppose the tax book. You say "but it is not so." I beg leave to differ from you, for I consider the whole case would be concluded by the production of the "Statute of the Roman Chancery," as previously described—and of the Tax-list authorized by that statute, and showing, in the terms of the statute that a person, by paying the price or tax, was licensed to commit the crime. And I consider that no testimony which fails to establish this, will sustain your charge.

You then assume that my only refuge will be to dispute the authenticity of the Tax book as well as I can: and that "all must see this." Now, sir, I not only do not dispute the authenticity of the Tax book of the Roman Chancery but I admit it—and I could not do otherwise without crime, for I have seen it, and I have now lying on my table a volume regulating the practice of that tribunal. But I do deny that the statute of which you wrote in the memorial, ever was enacted: and I deny that any authentic copy of the Tax book ever contained one of those items at which you have been so justly shocked, and which you so justly condemn.

That you have not a copy either of the statute or the Tax book, I believe. If you had, you ought to have produced it, and only two questions could have arisen, viz: "Is the copy correct?" "Does it sustain the charge?" This, sir, would be primary evidence and conclusive. Reading your second paragraph, one would be led to suppose you had the work, for you state, "I shall * * * then introduce testimony more conclusive out of the Tax book itself." I have looked in vain through your letter for the fulfilment of this promise. I have found no quotation from it by you: but I have found quotations made by you from several authors, not from the Tax book, but from their works,—neither you nor they quoted any statute.

So far, then, as regards strict and primary evidence

of the enactment of a statute by the Roman Chancery, for the purpose stated in the memorial, you as yet have no pretence to any.

I admit it, however, to be a good rule, that when primary evidence cannot be had, secondary ought to be fairly admitted. You have adduced nine witnesses to effect your object by this process, I shall take them in the order which they hold in your letter.

The first is Saurin, and for what purpose do you produce him: "so unblushing, however, was the Roman *court*, that it did actually publish the rates by which itself and its agents were to be governed." Suppose Saurin to have proved that the Roman *court* did publish a rate by which itself and its agents were to be governed in the sale of *indulgences*; this will not prove that the Roman *Chancery* passed a statute by which the specified crimes were made the subjects of license. Next, Saurin gives no proof, he but declaims. His editor refers to the Tax book just as you do, and without any better grounds. Now, sir, I have no objection to your holding a Saurin and his editor in as high esteem as you please; but as they only give common fame of a party, and not evidence of any facts, I shall treat them as reporters of reports. You ought to have known that if "the name of this man is honored all over the world"—there were many in that world who did not honor him as much as you appear to do, and they were members of the Calvinistic body. Neither he nor his editor prove then either the existence of the statute, or the existence of the license, or the existence of the tax concerning which they declaim.

Your next witness is Doctor Robertson, the Doctor is a great name, and your quotation from him is exact, so far as it goes—but it does not prove your case. The Doctor alleges the existence of the Tax book, but he gives his authorities, viz., Bayle and the edition of the Tax book—Frankfort, 1651. Thus his testimony goes no farther than his authority—and is worth no more. Then we shall have Bayle and the Frankfort book before us, the Doctor is no witness in addition. Robertson does not sustain the allegation that the Roman Chancery

passed a statute making these crimes the subjects of *license* and taxation, and regulating the price at which each might be committed; the words preceding the quotation which you made, are the following:—

“The scandal of these crimes was greatly increased by the facility with which such as committed them obtained pardon. In all the European kingdoms, the impotence of the civil magistrate under forms of government extremely irregular and turbulent, made it necessary to relax the rigor of justice, and upon payment of a certain fine or composition prescribed by law, judges were accustomed to remit farther punishment, even of the most atrocious crimes. The Court of Rome, always attentive to the means of augmenting its revenues, imitated this practice, and by a preposterous accommodation of it to religious concerns, granted its pardons to such transgressors as gave a sum of money to purchase them. As the idea of a composition for crime was then familiar, this strange traffic was so far from shocking mankind,” &c.

Thus his view of it was not that it was a previous license, but that it was a fine inflicted upon the offender in lieu of a heavier punishment for a crime already committed. But whatever may be his view, his testimony only establishes at the most, that Bayle asserted that there was such a Tax book, and that there was an edition published at Frankfort in 1651.

Your third witness is the *Encyclopædia of Religious Knowledge*, and your fourth is Buck’s *Theological Dictionary*, which both give extracts from the *Tariff*. I could give you twenty others that do the same, but this is no evidence, for neither of them states that the book was seen by a good witness, nor that the extract is correct. Your fifth witness is Brunet, who, in his catalogue of works contained in the European libraries, notices the work as “*Taxe de la chancellerie Romaine, ou Boutique du Pape*, printed at Lyons, 1564, and re-printed 1744.” I admit the existence of this book, and that it was printed at Lyons in 1564, and that it contains several of the items which you so justly condemn. It is the work of Pinet,

and I believe the original forgery. This, however, is only my opinion, and that of many critics, much more respectable than I can pretend to be. I shall reserve my reasons for this opinion until I shall have gone through the enumeration of the others. Thus Brunet is only a witness of what I admit to be the fact, viz., that an edition of the Tax book of the Roman Chancery was published at Lyons in 1564. It is quite another question whether this is a correct statement of the taxes, my allegation is, that it is not.

Your sixth witness is Bayle. You assume more than I am disposed to grant when you assert—"To dispute Bayle's correct and profound erudition you will not venture." If, by this, you intend to assume that I must yield to his authority, you are under a mistake; for whilst I admit his erudition, I believe that few writers have been more inaccurate in their statements, or have drawn conclusions more unfounded than did this erudite man. You tell me to "remember he was no Protestant." Sir, I cannot remember that which contradicts all that I have learned on the subject. His biographers inform me (Fuller, &c.) that he was born at Carlet in the county of Froix in 1647, and until the age of 19, was educated by his father, who brought him up in all the tenets of Calvinism. That he then went to a Calvinistic academy at Puylaurens! That there, after some reading and conversation with the parish priest, he became a Roman Catholic: that after a year and five months he returned to Calvinism—and by means of laws of persecution against relapsed Calvinists, he became an exile:—went to Switzerland, subsequently to Rotterdam: always professing to be a Protestant though it was well known that he became an infidel who sought to undermine the foundations of the Christian religion:—that, as the Catholic Church was one of its largest divisions, he was most constant in his efforts to bring it into contempt. The minister Jurieu denounced him for his errors, to the walloon (Protestant) Church, and Bayle promised the Consistory to correct the religious errors of his Dictionary. It is too much then to ask me to "remember he was no Protestant."

And I am really at a loss to know the number of years that he was a Catholic, unless you will please to allow me the use of fractions, and I shall then give you one and five-twelfths. Bayle's testimony shall be examined.

Your seventh witness is D'Aubigné. He quotes the book of Taxes,—so did hundreds of others: but from what was the quotation made? Between himself and his note maker, we are told of a Paris edition of 1570, by Tous-saint Denis. Another note maker, in Bayle, states that this must be a typographical error, and that it ought to have been probably 1520. The object of this correction will be manifest when we read that this was the Latin from which Pinet made the translation, printed at Lyons, in 1564. It would be very awkward to have a translation printed six years before the original appeared,—and to heal the oversight of D'Aubigne, or his note maker, the kindness of the second note maker took the liberty of suggesting a change of fifty years, and throwing the blame on the printers. But it was not unusual with D'Aubigne himself to make greater blunders,—for he was a man who wrote according to the testimony of the author of the *Trois Siècles*, “avec beaucoup de liberté, d'enthousiasme et de negligence.” “With great liberty, great enthusiasm and great negligence.” His *Confession de Saucy*, from the notes on which (101,) edi. 1699, the reference to the Tax book is made, was a bitter satire in which he made Henry the IV. play the part of Mercury. D'Aubigne spent his early days in the army, in the court, in civil and military charges, and for his unbending disposition to Henry of Navarre, he fell into disgrace, and took refuge to Geneva, where he gave vent to his feelings in many passages of works which he hastily and carelessly composed. D'Aubigne does not, according to yourselves, call it “a license,” but a “price of absolution”—“for how much he may be absolved.” Neither does he testify that he saw a copy of the Statute nor the Tax list, but he refers to it as in existence. Thus he is not a witness to more than he asserts, and he does not assert what the memorial has charged. The value of what he does state, I shall exhibit in its proper place.

Your eighth witness is Drelincourt. And here, sir, you have made (what I am sure was unintentional) a double mistake. You tell us that he was an Italian and a Catholic Clergyman—"a Roman Priest." I assure you, sir, he was neither the one nor the other. He was a Frenchman, born at Sedan in the Department of Ardennes, in the year 1595. He was minister of the Protestant Church, at Charenton, near Paris, and died in Paris in 1669. He wrote pretty furiously against the Catholics, especially against the Jesuits. He stated that he saw three editions of the Tax book, all of Paris. You mistake when you write "one of Rome in 1520." He said it was of Paris and that he had it himself. He says the others were 1545, and 1625—and he gives the passage that you quote as one in which they particularly agree.

You assert that he says the Catholics quoted that of Rome 1520. You were led into the mistake by imagining that he was an Italian Catholic Clergyman, and thus you mistook "*souvent citée par les nôtres*," to mean Catholics, when it really means Protestants. How was it possible for you then to call the "*les nôtres*," Catholics when you had the *celui le même qui imprime vos livres*," Roman Catholic press? Your mistakes, however, do not affect the question, which is—Has Drelincourt proved the existence of the statute of the Roman Chancery as described in the memorial of Prince William's Parish? I apprehend that he has proved nothing. I admit that before he was born there were fabricated editions of the work, that they were quoted by Protestants. He only asserts that he saw three copies purporting to have been editions of certain years, and he assumes, without proof, that Rome is accountable for them.

Your ninth witness is Banck—you say "he procured in Rome an edition of the famous Tax book of the Roman Chancery and published it." I apprehend that here you have made another mistake: and that Banck never made any such assertion. His statement was, that he had procured a number of copies, differing in a variety of points from each other, not only in the difference of coins, but difference of crimes and difference of rates for the

same crimes; and that out of the whole he gave a new compilation, "supplying from each what was wanted in the others?" Thus it was not an exact copy of any preceding one. It was not a document for which any tribunal was accountable. He does not say that he compared it with these copies that you have enumerated in the paragraph and found them to agree; but that he used them in its compilation, supplying from one the deficiencies of the other, and thus showing that they did not agree. Your copyist or compositor has made a mistake in the Wittenberg edition which you put in 1538 and Banck says 1558.

Your witnesses then are reduced to: 1st. Pinet, who gave the edition of Lyons in 1564, which I look upon to be the original forgery, and appears condemned upon the Index in Rome, in 1570, and who, as Bayle himself acknowledges, does not cite or describe the original from which he affects to have made his translation. 2d. Banck, whose compilation was edited at Franker, in 1651. Supposing all that their publications assert to be true, it will not sustain the allegation of the memorial. I shall next proceed to give my reason for asserting that previous to that of Pinet, there was no edition which contained the Tariff of sins, and then to show that the Tariff is a fabrication. In doing this I shall necessarily have to examine the value of Bayle's assertions and reasoning. Should I succeed in disposing of the Tax book, the field will then be clear for indulgences, should you think proper to enter upon the subject, and the press continue to afford us its accommodation. I shall endeavor to clear away this topic in my next.


You state that Bayle remarks, "that in the preface to Banck's edition, 1651, it is observed that the authors of the Tax book," who must have been creatures or officers of the Pope, "finding it get abroad, endeavored to stifle it, and inserted it in 1570 on the Index of prohibited books." How is this to be reconciled with another statement of D'Aubigne, given by Bayle? "There is another book, which those I have lately mentioned," Catholics of France, "endeavored to the utmost of their power to sup-

press, but the Roman Pontiffs would never permit it. It is the book of Taxes, where, at a glance, a good Catholic sees a low price set upon his sins," &c. This was written about the year 1620. How reconcile both with what Bayle attributes to Drelincourt, quoting his own words to the French Catholic Bishop. "Those of your own communion, so far from being ashamed of this book, which invites traders with the sound of the trumpet, that they are perpetually publishing and exposing it to sale. I have myself seen three Paris editions of it, &c." This was about 1665. Such are your witnesses.

I have the honor to be,

Rev. Sir, your ob't and humble servant,

†JOHN, *Bishop of Charleston.*

 The papers which copy Mr. Fuller's letter, will please copy this.

From the *Courier* of August 20, 1839.

Charleston, August 19, 1839.

To the REV. RICHARD FULLER, *Beaufort:*

REV. SIR—I stated in my letter of the 17th, that I considered the Lyons edition of Pinet as the original forgery of the editions made to the Tax Book of the Roman Chancery. Before I proceed further, it will be useful to know the nature of the Roman Court, and the duties of that tribunal which is styled the Chancery.

The Court of Rome has always had its business divided amongst several tribunals, and no other Court in existence is more jealous and strict in keeping each within its proper sphere. The office of Chancellor upon the continent of Europe was by no means similar to that in England. In Rome, the Chancellor was a Notary, whose duty it was to examine and correct certain public deeds, and to judge some classes of small cases regarding titles. The tribunal had its numbers of members increased and

its duties better defined by regulations of Pope John XXII. about the year 1320, and in or about the year 1450, Pope Nicholas V. remodelled it to the form which it now has. The causes of which it has cognizance are: the temporalities of vacant sees, especially in the Roman states: the collation of benefices, the exchange of benefices, the resignation of benefices, the absolution from cononical censures, viz: excommunication, suspension, interdict; but not from sins, nor from penance: dispensations from irregularities in the impediments of marriage, created by the canon law: and the revision of documents, for the correction of style, the supplying of omissions and the proper engrossment. The officers of this tribunal are entitled to certain fees for their labor, and may retain the document until the fee is paid. It frequently has happened that their exactions were extravagant and oppressive, and a Tax book of fees was therefore regulated by authority, and any officer demanding or receiving a larger fee, than that specified in the Tax book, incurred censures himself, and was fined heavily. This Tax book was published by authority, that all might know the charges, and that imposition should be prevented. This, then, is the Tax book of the Roman Chancery!!! This tribunal had nothing to do with sins, either by granting a license, or by giving an absolution, or by remitting a penance—and therefore it would be folly to look in the Tax book of the Roman Chancery for the prices of sin. How then came they to be inserted in the book?

I answer, by interpolation, by forgery—and the very insertion of them, in this book, was sufficient evidence of that crime; for of all places, their insertion upon the Chancery Tax book was the most preposterous. This, sir, will show you why I confine you to Chancery, and do not leave you at liberty to run about, as you please, from tribunal to tribunal, through the entire court, in which you may find a dozen or two of other dodging places. You brought me into the Chancery, and I shall take good care to keep you there!

Now, sir, I come to dispose of “the statute formerly passed by the Roman Chancery, making assassination and

murder, and prostitution, and every crime, subjects of license and taxation, and regulating the price at which each might be committed.”

You tell us, that D'Aubigne stated that the edition of Paris in 1520, was the first. I beg leave to refer you to my letter of the 17th, where I show that D'Aubigne says no such thing, but that his note maker said the edition of 1570 was the first, and another note maker says, that it was probably a mistake, and that 1520 was meant. This is no evidence of an edition in 1520, in Paris.

You assert, that Bayle shows it to be incorrect to say that the Paris edition of 1520, is the first—“that there was published an edition at Rome, in 1514, and one at Cologne, in 1515.” Now, sir, if by *shews*, you mean *states* or *asserts*, I allow all you require; but Bayle's assertion is not proof, and he gives no proof. Banck says, that amongst the copies which he consulted, and from which he made his selections, were an edition of Cologne in 1523, and one of Wittenburg, in 1558, not 1538, as you state, and an Italian tract with the tax under Innocent X., which could not have been earlier than 1644. You state that “he procured in Rome, an edition of the famous Tax book of the Chancery, and published it.” The edition published by Banck was in 1651—the copy he brought from Rome, was in 1644, and it was upon the Index of prohibited books, in 1570—exactly seventy-four years previous to this date, and the preface to Banck's edition informs us, that it was placed upon the Index, in 1570, because in Rome they were ashamed of it, and sought to stifle it?—and yet they printed and published it, and allowed their enemy to bring away a copy to publish it to their degradation!!!

Previous to Pinet's publication of 1564, in Lyons, we should then have the following editions:—A Roman in 1514; Cologne, 1515; Paris, 1520; Cologne, 1523; Paris, 1525, and Wittenburg, 1558. These, we are told, were publicly known, may be had by any one who chose to purchase and contained the prices at which a person may procure a license to commit assassination, murder, pros-

titution, and all other sorts of crimes, and all at a very moderate valuation!!!

Now you are quite aware that the period of fifty years, which elapsed between 1514 and 1564 was of all others that in which the most furious declamation was made against Rome upon the subject of her sale of pardons, indulgences and licenses—and during this period, we are told that there were publicly printed and sold at least six editions of this Tax book, containing the tariff you charge upon the Roman Chancery, and yet, during that entire half century, not one writer, not one preacher, not one reformer, not one enemy of Rome, not one friend to virtue, that we can discover, alluded directly or indirectly to this damning evidence which would at once have covered the Roman Chancery with shame and given such a triumph to the enemies of the Holy See!!! Luther began his opposition in 1517, and then he had under his eye, if they existed, the edition of Rome in 1514, and that of Cologne in 1515—and he never alludes to either, but in his These he distinctly charges the agents of Tetzels with acting against the spirit of the See of Rome, in their vile traffic. During a period of nearly thirty years that elapsed before his death, he never appears to have known of this Tax book though we are told that Cologne published a second edition and Paris two others. Here was a man who spared neither Kings nor Popes, who eagerly sought every mode of destroying the credit and the power of Rome; we find him with so formidable a weapon close to his hand and he never uses it. Sir, I want no other proof than this, that up to the period of his death in 1546 no such edition of the Tax book of the Roman Chancery as that edited by Pinet in 1564, had appeared. Is it in human nature that Luther should have burned the Bull of Leo X., and spared his tariff of licenses, if such a tariff existed? That he should tell the Pope that he was so full of Devils that he spat them from his mouth, blew them from his nose, sent them forth by every mode of discharge, and yet not fling at him his book of Taxes.

John Calvin was not less industrious, or less competent than Luther. He inveighs vehemently against the

pardons, the dispensations and the indulgences of the Holy See—and continued to the period of his death, in 1564, to turn to the best account, every thing which could aid him in his opposition! And never does he directly or indirectly advert to this formidable Tax book! How many men of extraordinary talent, of deep research, of indefatigable exertion and of unrelenting hatred to Rome, were, during the half century that I treat of, united in the same cause with the two great Coryphæi of secession from the Holy See, and not one of them refers to this document, of which we are solemnly assured that at least six editions were published and scattered abroad! I apprehend you will search in vain for one writer up to this who mentions it or who alludes to it. No! not one can be found, because the Tax book which was well known, contained no such items as those which shocked you, and the forgery had not yet been committed. Neither Mosheim, nor any other respectable historian of the period, alludes to such a document. Robertson pins his faith upon the sleeve of Bayle, and refers in his note to an edition sent forth eighty-seven years after the first interpolated edition made its appearance,—nor does he give us the testimony of any cotemporary writer to sustain the assertion, that this book existed previous to the period of Pinet. I now assert that there is no evidence, either primary or secondary, of the existence of any such tariff as you describe previous to the edition of Pinet, in Lyons, in 1564. Bayle, indeed, mentions previous editions as if they had existed, but he gives neither proof nor authority to show that they did.

As you appear to esteem Bayle so highly; and remember he was no Catholic, and in his works certainly never favored the Catholic religion; I shall, unless you require other authority, leave Antoine du Pinet, Seigneur de Norroy in his hands. He will inform you that this writer was strongly attached to the Protestant religion and a bitter enemy to the Church of Rome. Feller says that his fanaticism became a sort of madness against the Catholic Church, “qu’il accabla de milles outrages,” *which he overwhelmed with a thousand outrages.* I have



shown you his disposition. He gave what purported to be the translation of the Tax book of the Roman Chancery, with the title enlarged and revised by A. D. P. He states the object of his publication to be, to show his readers "the assessment of their souls, according to the rate set upon them by their terrestrial God." He does not state from what edition, or copy, he took his translation. This Bayle acknowledges, and states that it was a great oversight. I think I may fairly rest my case here, and say the work is therefore of no value or authority. But my object is to show more. This would be sufficient to deprive you of your witness, but I wish to show why I look upon him to have been the original impostor.

He appears himself to be conscious of his position, for in his dedication he forestalls the objection that he is interpolating. "And lest any Dataries, Auditors, &c. should suppose and say that I have made mistakes in my work, I have faithfully annexed the Latin text of the Papal Chamber with a French translation." Yet he does not show where the original, as he calls it, was procured, nor can any of his advocates to this day. This edition has crimes and their prices mixed up with the ordinary taxes of the Roman Chancery—and as I before remarked, they are thus as completely out of their place as it would be to insert the rates of Pilotage in the fee list of the Ordinary of the district. This, of itself, as I before observed, is conclusive evidence of forgery. It may be asked, was not Pinet a literary, well educated man—a scholar? How could he have made such a blunder? I answer, it would have been far more strange, if it were made in the proper office at Rome. Let Bayle answer. It were to be wished that some of his notes "explained certain forms of expression, which occur very often: but I am of opinion that he was not sufficiently skilled in the Canon law, nor in the style of the Court of Rome, to clear up obscure particulars." That a self sufficient man, insufficiently skilled in the Canon law and the style of the Court, desirous to foist into some document a passage to gain an end, should blunder and stray in such a manner as to leave the

defect open to detection, is very easy and natural. Again, Bayle informs us that "at the opening of his commentary, Pinet intended to give the price of every tax, but was forced to acknowledge that he could not do it,"—and he adds that no reader, who desires to understand perfectly what he reads, can be at all satisfied with the explanation of Pinet.

But why charge forgery upon him? Because it was committed by some one, and his, as far as can be discovered, is the first book in which it appears, and because he gives no clue to what he says was the original, and because he hated to madness those whom the forgery was calculated to disgrace and to injure, and because he was an adept at invention in lieu of history.

You are aware, sir, that "he published some very wild chimeras with respect to the genealogy of certain families," as Bayle calls them. Nor were they considered as romances, but the veritable histories of Berold of Saxony, of Ferry Borstelstickel, whom Thevet, the romancer, makes the head of the noble house of Chabot. And in giving the pedigree of the house of Sault in his treatise, *Plans des principales forteresses du monde*, we have served up to us, as authentic history of undoubted facts, the origin of a noble house in the life and adventures of Hugh, Prince of Tric, an imaginary state which Pinet alone could discover in Pomperania, and this hero was worthy of the love of the infanta Valduque, the beautiful daughter of Valduqree the king of Pomperania. His fictions substituted for history and intended by him to be received as faithful statements of facts, are so notorious as to be unquestioned. Efforts have been made to excuse him, and the best is that given in le *Laboureur*, addit de Caselman, tom. 11, p. 511.

"All that can be alleged in excuse for DuPinet is that he wrote in an age when phantoms were given for ancestors to such persons, as having no traces of those from whom they derived their origin, gave for their dressing up and setting forth, some vague traditions and old wives' tales, of which their flatteries made mysteries"—

thus producing fictions for facts, was an occupation in which the lord of Norroy was an adept.

To sum up then: We have no proof of the existence of any edition previous to that of Pinet, containing any of the articles of the tariff of iniquity. They would be quite out of place upon the Tax book of the Chancery. They are found upon that which Pinet published. He was too ignorant upon this subject to know that this was not their place, if a place they could have. He was blinded in his judgment by his hatred of the holy See, which would be disgraced by their being considered its act. He was accustomed to substitute fiction for fact, and he gives us no reference to the source from which he obtained the document which he says he translated. His book is published, and in as short a time as could reasonably be expected, it appears upon the list of condemned books by the authority of the very court which he charges with the imposition of the tariff, and this is the most solemn, authentic and open disclaimer which that court could make in the face of the Christian world.

Here, sir, I may close my reply, and respectfully tell you, that so far from having "fully made out their case," the Prince William's committee have not produced a single good witness to sustain it, but have kindly afforded me an opportunity of showing to my fellow-citizens the nature of a document which has had its day in Europe, until the criticism and the candor of well informed Protestants have acknowledged the injustice of the charge which it contains, and ashamed of the folly of their ancestors, have stricken it from the books of education in which it was inserted: so that at present, no man in Europe who aspires to the reputation of a scholar, or the liberality of a gentleman, will venture to allude to the Tax book of the Roman Chancery. But, sir, I have not written one-half of what I could adduce, to show that this is one of the forgeries upon which most of the imputations against the Roman Catholic Church are based. I should be glad to be permitted by you and by the public press, to enter more fully into this case and that of Indulgences which you have unnecessarily attempted to adduce in support

of your untenable position. But there are limits which I must not infringe; and I shall not now waste the little space which is left to me.

Pinet's edition was soon assailed upon various grounds, and amongst others, upon the absurdity of introducing those items upon the chancery tax list. A variety of other editions were given, purporting to be printed at previous periods and places where they had not been found before—and in this manner you may find fifty editions if you please. Stephen DuMont of Bois la duc, however, in 1664, made an effort to remedy Pinet's mistake, for he procured a certificate from a secretary of Bois la duc, that he compared, *mot a mot*, his edition in Flemish and Latin, with an edition shown to him as printed in 1514, and that they agreed. This edition, however, had the title, "*Taxæ Cancellariæ Apostolicæ et Taxo Sacræ Penitentiariæ.*" So that it was no longer a forgery, because although the Chancery as all know, had nothing to do with sins, the Penitentiary had. But the misfortune was, that this discovery was made exactly one hundred years too late! We have another edition at Leyden, in 1607, without this improvement, but unfortunately the crimes are not the same, and in some instances the prices for the same sin are different. We have D'Aubigne's differing from both, and giving us a chapter of "Perpetual dispensations more infamous than any contained in Pinet," and which the lord of Norroy, it seems, had never seen, and the prices for which were exceedingly low,—at which D'Aubigne expresses his surprise. Bayle, however, with his usual good nature, helps him out of his difficulty, by assuring us that the tax in the Chancery is low, but the Chancery only taxes for passing the paper, and the chief business is done in the tribunal of the Datary, (not the Penitentiary as poor Stephen DuMont imagined,) where people are taxed according to their purse, the rich heavily and the poor moderately. How will this be reconciled with the clause which Bayle gives upon the testimony of your "Roman Priest," Drelincourt, that in the copies which he saw, "the poor were not to receive the comfort of these dispensations"—"they were only for the rich;"

and this was the clause in which they all particularly agreed? Bayle refers to the history of Parrhasius for the proof of his assertion, but it is again unfortunate that Parrhasius was treating of the trial and rehabilitation of two clandestine marriages, the business of which belonged to the tribunal of the Datary, and not of sins, or license, or absolution, or penance.

Now one word as to Banck's edition. His own testimony is, that collecting as many of these discordant copies of the Tax book as he could, and getting some at and from Rome, he made one of his own in 1651—"Supplying from one what was wanted in another." I leave then to your own judgment to settle the value of this witness. That such forgeries were committed at that period, ought not to surprise us, as we find similar ones committed in our own day. I shall only allude to one. A fellow of Trinity College, Dublin, fabricated, not two years since, a letter of the present Pope to the Bishops of Ireland: he is a clergyman, he acknowledged the work to be his, and yet retains his place! Mr. McGhee, a Protestant clergyman of the establishment, who is occupied in going a round of the United Kingdom, declaiming against Popery, as he calls our religion, quoted it in Exeter Hall, London, to show the villainous character of our church. It was rapturously received, and permitted to produce its full effects, until the Catholics traced it to its source, and the author, with a smile of complacency, assured them that it was not intended to do any injury to their body, nor to lower them in public estimation, but was an *ingenious device* to show what might be done: that he had a high regard for many Catholics, and that several of them were his friends. Yet this friendship, notwithstanding, he permitted his mischievous forgery to produce its effects, until the industry of the Catholics fastened it upon him! Need I remind you of the Reverend aiders and abettors of the forgeries of Maria Monk? Need I inform you of a Reverend writer, who, amongst many similar fables, endeavored to have it believed that the late Archbishop of Baltimore, had subterranean passages from his house to the vaults under the Cathedral, and that he was in the

habit of superintending the whipping of an apostate tailor? Some persons imagined the object was to excite in Baltimore, a repetition of the drama which fraud and forgery and bigotry produced at Charlestown. It was the force of evidence which urged Whittaker to write in his vindication of Mary, vol. III., p. 2. "Forgery, I blush for the honor of Protestantism whilst I write it, seems to have been peculiar to the reformed. I look in vain for one of those accursed outrages of imposition amongst the disciples of Popery"—and again, p. 54, "Forgery appears to have been the peculiar disease of Protestantism." Sir, I write these things with regret, and feelings of humiliation and sorrow—but you will recollect that Whittaker was no Catholic, and that I have been reduced to the alternative of showing your alleged statute to be a fabrication, or of permitting the church in which, though unworthy, I hold so responsible a station, to be covered with undeserved reproach. I repeat, sir, that I do not charge you or your committee with crime. You have, innocently I believe, fallen into a mistake too general in this country. Is it then asking too much after what I have exhibited, though hastily and imperfectly put together, and not containing one-half of the evidence I could adduce, to request of you to withdraw that very unnecessary paragraph from your memorial. You will not, I trust, think I am unreasonable in saying that you ought, at least, have some doubts of the existence of such a statute as you there describe: by retaining the paragraph you do great violence to the feelings of a portion of your fellow citizens, for some of whom you profess to have regard. So far from promoting the object of your memorial, you will raise obstacles, though probably not insurmountable ones, to its reception, and to its success; for it not only wounds the Catholics, but many are of opinion that it is not very respectful to the Legislature itself to insinuate that it may be compared to so execrable a tribunal as that which you describe.

I ask from you no concession of victory, no abandonment of opinion; but I do entreat, as a favor, for peace, for prudence, for charity, to suppress the paragraph of

which I complain. If you will condescend to my request we may there conclude in amity, and I trust, mutual respect. Should you decline, you cannot complain if I should follow up what you have begun.

I have the honor to remain, Rev. sir,

Your obedient, humble servant,

†JOHN, *Bishop of Charleston.*

From the *Courier* of August 29, 1839.

To the RT. REV. BISHOP ENGLAND:

REV. SIR—You have disappointed me. I had hoped that, in a great moral question, I should not find you still insisting upon a distinction where you certainly ought to see there is no difference; nor availing yourself of a sort of special pleading, which even in the legal courts is never practised, when men are willing to go into the merits of a case. The sophistry about a license and a tax, you still introduce, I perceive, when nothing else can be said. In your first letter, you admit that if you saw the editions of the tariff mentioned, "*it would prove* that a penalty was inflicted," &c.; but when I produce evidence the most satisfactory, of the existence of these editions, you say I ought to produce "the statute"—that is to say, I, at this day, ought to procure a *certified copy, from the Court of Rome*, of a document, all knowledge of which that Court has for years been most anxious to suppress! And as to the notorious traffic in indulgences, and the legitimate and inevitable inference of a tariff—why *this* you will not touch, through exceeding solicitude to be "confined to the precise question." Yet you do not hesitate about an episode on Maria Monk, or unmeasured and most unnecessary allegations as to two absent clergymen.

But why speak of *two* clergymen? What (I say it, I assure you, with respect, and meaning not the least insinuation as to your sincerity, yet in candor, in justice,

what) are both of your letters but a series of assertions, which, though they may convey your honest opinion, certainly ought not to be ventured lightly, and never ought to be employed either as a substitute for testimony or a mode of impeaching the character of a witness. Only see, sir, how you appear.

In 1769, Dr. Robertson, at the head of the university of Edinburgh, states the enactment of the tariff as a historical fact, and his work is now a standard in Colleges. To which I add that Schlegel, in a note in the last edition of Mosheim (Murdock's Trans. v. 3. p. 12,) quotes the authority of D'Espence, a distinguished Catholic Doctor of the Sorbonne, who acknowledged and condemned the Tax book, and that both Dr. Benson and Bishop Watson speak of it as unquestionable, (see Watson's Theol. Tr. v. 5. p. 274,) and that, as late as 1820, the Protestants re-printed it in Paris. (Bayle v. 12, note) Yet you affirm the work to be so acknowledged a forgery—that it is “stricken from the books of education, and no man in Europe, who aspires to the reputation of a scholar or the liberality of a gentleman, will venture to allude to the Tax book!!!” You say, too, “Robertson pins his faith on Bayle, and the Frankfort edition of the taxes,” whereas he gives several other authorities. His references stand thus—“Fascicul Rer. expet et fug. 1, 355. J. G. Schelhornii Amenit. Literar, Francof. 1725, v. 2, 369. Diction. de Bayle, Artic. Banck et Tuppius. Taxa Cancellar. Romanæ, edit. Franc of, 1651, passim.” (Rob. p 137.)

In 1705, Saurin affirms that he is able to “give to the whole world full proof, &c.,” and cites the Tax book, and in 1775 his learned editor quotes the work. What is your answer? “They are both declaimers.”

Buck and the Encyclopædia give an extract from the work, and refer to authorities. But what of that? They “do not state that it was seen by a good witness,” nor “that the extract is correct.” Do you mean that they ought to have appendid an affidavit that they did not deliberately record falsehoods?

You want, however, it seems, some one to say that “a

good witness saw the book." Well, sir, hear Drelin-court. "I never," said he, "was an Italian." Does "*Roman Catholic*" mean "*Italian Catholic*?" But granting as you say, (I have not examined the point, but conceding) that he was a Protestant; this certainly does not weaken his testimony with me, and you admit that "my mistake does not effect the question." Now, he is writing to a Catholic Bishop, and what is his statement? "I have seen," says he, "three editions, that of 1520, 1545, and 1625, and *I have myself* the editions of 1520." Does the Bishop deny this? You do not pretend to affirm that, but dismiss him with saying "he proves nothing!" Proves nothing? he proves every thing. And of what avail is it to say, the edition of 1520 was not of Rome? You know that an edition at Paris in 1520 could not have been the work of Protestants.

D'Aubigne also quotes the book, and I remarked that he cites the edition of 1520 as the first. You reply "*he does no such thing.*" Be pleased, then, to translate the words of Bayle: "J'ai dit aussi que d'Aubigne cite l'edition de Paris 1520." "I have said that D'Aubigne also cited the edition of Paris 1520." This is the edition of Paris 1520. This is the edition which Drelin-court had, and no doubt D'Aubigne also. "This is no evidence, however," you affirm, "of the edition of 1520 in Paris." I beg your pardon: I think it is, and, coupled with Drelin-court's testimony, it settles the matter.

But if this book was in use, it would be printed in other places where the Pope sold indulgences. Is there then, any proof of this? and, in your own words, "Did any good witness see the editions?" The testimony of the Secretary of Bois le Duc is full and direct as to that of Rome. DuMont having published an edition in 1664, professing to be from the edition of Rome, 1514, and wishing to satisfy the public that it was correct, applied to the Secretary of Bois le Duc, and that officer gave him a certificate which is printed with the work, declaring that DuMont's work was word for word, exact with the edition of Rome, 1514. *Here*, then, we have DuMont, who not only *saw* the Roman edition, but *re-printed* it;

and we have also the official voucher of its accuracy. You seem to feel that this settles the question as to the edition of Rome, for you say, "a certificate that he compared *mot à mot*, his edition with an edition *shown to him as printed in Rome.*" Sir, having given the French of *word for word*, (*mot à mot*), which makes it appear as if you were translating closely, why did you not give the French for "shewn him as?" Bayle has no such words. He says, "Je sais qu'en 1664, Etienne DuMont, libraire de Bois le Duc, y publia, en latin, et en flamand, *sur une édition de Rome*, 1514, un livre intitulé: *Taxæ sacræ Penitentiariæ apostolicæ*, et qu'il fit collationner mot à mot son édition a celle de Rome, de quoi, un secretaire de la velle le Bois le Duc, donna un certificat, qui est imprime a la page 131." "I know that in 1664, Stephen DuMont, bookseller of Bois le Duc, published in Latin and Flemish, *founded on an edition of Rome*, 1514, a book entitled, *Taxæ, &c.*, and that he compared his edition word for word *with that of Rome*, of which a secretary of Bois le Duc gave a certificate which is printed at page 131." Bayle also says that two clerks of Bois le Duc, deposed that they aided the secretary in the collation, and that it was word for word; and their affidavits also accompanied the work." (Art. Pinet.)

Is there proof of any other editions? and did "any good witness see them?" Let Banck testify. He travelled in Italy, and Spain and France, and was a "scholar" and "professor of jurisprudence," and was "honored with distinguished appointments." Here then, is a man possessing every qualification and facility, and he declares that, to make his work complete, he consulted the most ancient editions of the Tax book, and compared them word for word: and that he used the edition of Cologne, 1523, and Wittenburg, 1558. He also examined a *manuscript* copy shown him by SIBON, a Bernard Monk and lecturer in the College at Rome;"—of what date he does not say, but it was "a *manuscript*," and as the lecturer only let him have a sight of it, (*communiqué*), I presume that it was the tariff then used, but which it was *no longer safe* to print; indeed the printing of which was prohibited.

How do you get rid of Banck? With the other witnesses you simply affirm, "they prove nothing, are declaimers," &c. Of this one, you undertake to impeach the testimony by argument, and what do you urge? 1st. Banck's work "was not a document for which any tribunal was accountable"—that is to say, if a distinguished lawyer should collect carefully, and publish correctly, all the acts of the Legislature on any subject, and give a complete and full edition, he would publish statutes for which the Legislature was not accountable! As this will hardly bear looking at, you try another method. You first deny positively, that Banck says he *procured any copy* of the Tax book in Rome. "Banck never made such an assertion," (letter 1st.) Then, in the face of this, affirm, that he does profess, not only to have *procured, but brought away a printed copy in 1644*—"the copy Banck brought from Rome, was in 1644," (letter 2d;) and then quote Banck himself, to show that the book was on the index of prohibited works in 1570; and exclaim with no less than three triumphant !!! at the absurdity. Is this right? Banck *does* say, he procured and availed himself of a copy in Rome; but it was a *private manuscript copy* shown him by the lecturer as above—being, as I said before, the private copy of that monk. He says nothing about "bringing away any copy from Rome," much less a printed one in 1644. This second attempt is worse than the first. These sorts of arguments are dangerous; they are almost always sure to explode in the hands of the person who uses them.

After disposing of the witnesses in this style, you come to Pinet, whom you reserve for the last, and whose memory you seek to stain, by accusing him of a most foul and flagrant iniquity. "Feller says," you observe, "that he overwhelmed the Roman Catholic Church with many outrages." Now, sir, I do not stop to observe, that for this vague assertion of Feller's, you give not a single reason. Let that pass. Admitting that Pinet was severe upon the Church of Rome; you certainly retaliate heavily, when you requite him with an indictment for a crime most heinous and infamous. Does any single biographer

or writer bring this charge against him? Not one. And of what consequence is your reference from Bayle, to a work of his, tracing the genealogy of certain families, in which his account appears sometimes to be fanciful? Is not the same true as to almost all the writers who formerly attempted to give the origin, not only of families, but nations? What has this to do with the wicked and malicious enormity you unjustly impute to him? In this very next article, Bayle speaks of Pinet's translation of Pliny, and commends highly his discrimination and pains taking industry. But what is all this to the purpose; and why reserve him for the last! Pinet was only mentioned as the author of an edition of the Tax book, in 1564, and his name referred to as the article under which Bayle furnishes much of the foregoing testimony—nor can I permit myself to be diverted from that testimony by any digressions about "Hugh de Tric, and the beauteous Valduque, daughter of Valduqree," &c. Pinet only published an edition of the Tariff, which the witnesses already cited, prove to have existed; and these witnesses at once repel the charge of deliberate forgery, which you ventured to bring against a literary gentleman of noble birth, and which you ought not to have brought without some proof. But you say you have proof. Well sir, I will now see what it is worth. I think a moment's examination will dissipate it all, and leave you again standing upon your own unsupported asseveration.

Let us see what is the testimony by which you expect to fasten upon Pinet the guilt of having maliciously forged the Tax book in 1564—although Bayle and D'Aubigne assert the existence of former editions, and Banck and Drelincourt declare, and the Secretary of Bois le Duc and two scribes, certify officially that they were in their possession, and as we shall presently see, two eminent Roman Catholics admit them. You offer no direct testimony, but supply its place by two inferences. Now, when I pressed you with the sale of indulgences, and insisted upon the inevitable influence of a tariff, you did not like that sort of testimony and evaded it. I will not, however, imitate you. I admit induction is a just mode

of arriving at truth, and I take up your two inferences in order. What are they?

1st. The Roman Chancery has, you say, certain definite duties, and the tariff, even if enacted, would not belong to that department of the court. But what force is there in this, to any one, at all acquainted with the history of the course of justice? Not only is it an universal truth, that different courts have ever exercised concurrent jurisdiction in some things; but no legislative distribution of duties ever can confine a court like the Chancery, within a jurisdiction fixed and immutable. I do not profess to be acquainted with the court of Rome, and the "*dozen or two dodging places*," which you say it furnishes; and where, of course, a pursuit of the real culprit, in this matter, might prove forever vain. But I know too much of courts to believe that the Roman Chancery has always, since 1450, been restricted to the precise limits which you assign to it. It is not, however, necessary even to make these remarks. I shall show, by your own admission, that the Chancery is the tribunal from which alone the taxes could have issued.

One of its present duties, you state, is "Absolution from Canonical censure, viz., excommunication, suspension, &c." but you add "not from sins." Well, in your own first note to me, you assure me that "*indulgence is not a license to commit sin, neither is it a mode of regulating the price at which sin may be committed, nor is it absolution from a sin already committed.*" Indulgences, therefore, being "not absolution from sins," come within the jurisdiction, not of the Penitentiary, but the Chancery. Here then, we have you, by your own declaration, shut out of the Penitentiary and shut up in the Chancery, as the proper tribunal to regulate indulgences; and then the nature and history of indulgences show them to belong to the Chancery. The real truth is, that indulgences, in their origin were nothing more than a remission "of the temporal consequences of sin," (Mosh. vol. 3, p. 85)—that is, suspension and excommunication from the Church. Faber correctly says that they were only at first "a shortening of the period of excommunication."

(Faber's Diff. of Rom. Ch. 11th.) Both the history of indulgences and your admission, then, show the Chancery, to be the proper bureau for a tariff, regulating the prices of indulgences. In process of time, the Popes, Bishops, &c., abused these very indulgences, and sold them to the people *as remitting sins*, in order to render them a good article; and Leo X. asserts (as I before showed) that he had a right to do so. But, although the deluded multitudes were thus fleeced, no change of jurisdiction could follow, because, while the Popes, Bishops, &c., filled their coffers by the traffic, these were not "*the Church*," and, to use the language of your own Gregory de Valentia, that infallible and immaculate abstraction *the Church*, looked upon the thing, as only "a pious fraud, as if a mother should induce a child to run, by promising an apple, although she afterwards doth not give" it. (De Indulge L. 2.) Now, the Tax book was the *Pope's tariff in the sale of indulgences*, and thus it is mathematically demonstrated that the Chancery was the proper Court. You see, then, sir, that I have you in this dreaded tribunal with the Tax book in your hand, and in spite of the "dozen or two dodging places!!" Here is your first proof that Pinet was a forger!!! One word more as to these Courts. Bayle informs us of the case of Parrhasius. You say it was a case of "rehabilitation for two clandestine marriages." Now, it was not so; it was a case of incest, committed by a niece of Parrhasius, of which the guilty couple endeavored to escape the punishment by a secret marriage. That, however, "could not shelter them, without the Pope's indulgences," ("a moins que la pape ne leur accordat une dispense.") To obtain this, Parrhasius writes to his friends in Rome, to intercede, and they inform him, that it is granted, and that he must come to Rome, and "not forget to bring the price at which the indulgence was granted," (qu' il n' oubliai point de porter l'argent a quoi la dispense etait taxée.) Bayle adds that, besides the price in the Tax book, Parrhasius had to settle with "the Datary." Here, then, we find the *Datary* concerned, not with a "rehabilitation," but with an indulgence for in-

cest—which you say belongs only to the Penitentiary. Here the Datary grants the indulgence, and the Datary and Chancery were, you will not deny, once the same Court. Furet Un. Diet. Art. Daterie. This is another conclusive evidence, that the argument, drawn from the nature of the Courts, is entirely against you; and I shall presently show, too, that the Abbe Richard settles this point conclusively.

Now for your second inference. It is this; if the tariff existed, would not Luther and Calvin have upbraided the Pope with it? It will be time enough to answer that, when you prove that they did not; and as it is a negative pregnant, the burthen lies upon you. Sir, neither you nor I have ever read all the voluminous writings of these men. I do not believe that there is a complete copy in the State. This is enough. But suppose (which I do not admit) that the tax is not mentioned by either, in their printed works, it is no matter of surprise. The truth is, that it is only since Europe and the Court of Rome have been reformed, that any indignation or surprise would be felt at such a tariff. "The traffic in indulgences was so notorious, and the excesses (as Mosh. declares,) by Priests and Bishops, and every inferior ruler of the Church," so outrageous that the tariff was then a blessing, and its enforcement would have been a shelter from the promiscuous and *unlicensed* fleecing under which the people had groaned. Hence Mosheim mentions the 'Popes' confining the traffic to themselves as *limiting* the extortions of the Bishops. Robertson says, "it is only since men have acquired more accurate notions that the sale of pardons appears impious," and adds, "these things are incredible in our age." But "this traffic was so far from shocking mankind (then) that it soon became general, *and in order to prevent imposition*, the officers of the Court of Chancery published a book," &c. The design of the Tax book of the Chancery was similar to that of the license to retail, which is compared to it in the memorial, viz: a Legislative regulation of what before was *unlicensed and promiscuous*. How absurd would it be some centuries hence to argue, that the

Legislature did not pass the License Laws, because men who viewed these laws as an attempt to remedy the evil did not upbraid the Legislature with them! No, sir, the tariff would have appeared no evil in those days. It was merciful, in comparison with the gross and unbridled profligacy of avarice, which both Luther and Calvin, saw every where around them, and, which caused both to abandon a Church which practised such things. I repeat, however, that there is no evidence that they do not mention the book. Be that as it may, the book was certainly known to them, since the Protestant princes inserted it in their cause for rejecting the council of Trent, (held 1545-6, Bayle v. 3, p. 78.) This then is the worth of your second argument.

I have now to say a word as to one or two minor matters, but which go to fill up your argument, and appear plausible until examined. You profess, it seems to have discovered two contradictions in Bayle, and you ask "how can I reconcile these?" one is that Bayle says "people are taxed according to their purse, the rich heavily and the poor moderately;" and in the edition of 1520, in Drelincourt's possession, "the poor were not to receive the indulgences," they were "only for the rich." Do you ask "how I reconcile these?" I answer, simply by referring to the original, and showing that neither Bayle nor Drelincourt assert what you quote. Bayle simply says, "it was necessary to settle with the *Datary* according to a man's circumstances," and refers to the case of PARRHASIUS and the *Datary* at Rome; the passage from the edition in the possession of Drelincourt, I have cited already in French; there is not a word about "only for the rich;" it is "they that have *no money at all* (non *sant*,) cannot procure the indulgences." Where is now the contradiction? It exists only in your own quotations.

The other discrepancy you profess to have detected, is between D'Aubigne and Drelincourt's book, and the index of prohibited works; and you ask again "how will I reconcile this?" I answer in exactly the same way—by referring to the original, and correcting your quota-

tions—D'Aubigne says there were Catholics (and I trust there were many,) who wished not to "suppress" but "to extirpate" (extirper) altogether this damning book; "but the Holy see would never permit it," instead of doing what *they* wished, and at once abolishing the shocking practice, the Inquisitions of Rome and Spain only condemn the book, "on the ground (as they pretend) that the Protestants had corrupted it,"—"ne l'ont condamnee qu'en supposant que les heretiques l'avaient corrompue," Bayle well adds, "this does not show that the Church abhorred the rules, but may only mean, that they repented having allowed the book to be made public, and wished to keep it among the secret things of the Cabinet." This was the nature of the prohibition, and *Banck found at Rome, a manuscript used*. Who is, then, surprised, that Claude D'Espence and others, who looked upon the practice as a great moral enormity, viewed these acts of the Inquisition as anything but the *extirpating* they desired? or that D'Aubigne considered them in their true light, viz: as an indirect recognition of the principles of the tariff, since they do not disclaim or charge forgery as you do, but admit the book and only prohibit on pretence "that the heretics had corrupted it." Where then is the discrepancy? and as to Drelincourt's declaration to the Bishop, what has that to do with acts passed by the Inquisition of Rome and Spain? You certainly do not mean that these would have prevented the sale which he mentioned in Paris. So much for the contradictions you detect.

You affirm that Pinet's edition was soon assailed, on the ground of the absurdity of making the Chancery the tribunal of the tariff. Of this, however, you furnish no proof. I have already shown that the Chancery was the proper Court, and the authentic editions, which "cannot be disavowed," (Bayle) have their titles accordingly. That of Rome is entitled, "Taxe cancellarie per Marcelum Silber, alias Frank, Rome in campo Flore, anno MDXIV, die xviii. novembris, impressa, finiunt feliciter." That of Paris, 1520 is "Taxæ Cancellariæ apostolicæ et Taxæ pænitentiariæ itidem apostolicæ." What

after this becomes of your assertion that Pinet's edition "was assailed" and that "Dumont made an effort to remedy Pinet's mistakes," &c. As to different editions varying in some items of assessment, this is exactly what takes place in all legislation of this character. Are not our taxes altered at almost every session? that variation proves there was no forgery, since, in that case, all the editions would have scrupulously conformed to the spurious original.

So too, in respect to the coins, and Pinet's confessing, in his preface, that he did not know the precise value of some. That you attempt to make these proofs of forgery, shows that you are indeed deplorably in want of evidence. They are proof (if any farther were needed) of the contrary. Any man who has ever been to Europe knows, that a traveller there, has to study a new sort of currency in almost every little principality and canton. It is not surprising, therefore, that Pinet could not give the precise value of all the coins mentioned in some of the copies of the Tax book, edited, as they had been in different places, and as Banck attests of the old copies he examined—giving the prices in different sorts of money. On the other hand, it is certain, that had this work been anything but a translation of taxes previously existing, he never would have made the confession which you urge against him—viz: that he could not give the value of every tax."

Really, sir, you must forgive me for saying that I cannot consent to follow you in these sort of criticisms. They consume time, of which I have none to spare, and contribute nothing to truth. Here is the fact. We are both quoting Bayle and searching his works for evidence. I repeat it he was no Protestant. You assert that he was a Catholic only for a short time, and then became an infidel. The truth is, that *as to religion*, he is just the judge for this question, perfectly impartial between Catholics and Protestants. And as to a bibliographical point,—to which special pleading has degraded this discussion—you know, as well as I, that he is acknowledged authority all over Europe, and hence notwithstand-

ing your opinion expressed of him, as well as Saurin and others,) you eagerly avail yourself of any evidence he gives in your favor. Now let us no longer be making extracts. All the testimony collected by Bayle and his judgment on them with their grounds, will not occupy more space than your two letters. Give then, at once not loose extracts in English, with attempts to detect contradictions, which must be vain, but the whole translated word for word. Will you do this? I apprehend not. I believe that all men would come to the conclusion Bayle does, on the evidence which he cites, and on which he remarks, as they would see, with perfect impartiality. As I have not room for the whole I will give his conclusions. "Suppose that the heretics have corrupted the work, yet the editions of Rome, 1514; Cologne, 1515; Paris, 1520, &c., cannot be disavowed, and these are more than enough, to justify the reproaches of the Protestants, and cover the Church of Rome with confusion." Again, in summing up the evidence—"My opinion is that the Catholic controvertists, who can never be able to invalidate (S'inscairi en faux) the edition of Rome nor Paris, are in a very awkward predicament (un fort grand embarras.) One may see this in the answer which l'Abbe Richard makes to M. Jurieu. This minister had exposed the abomination of the Tax book. The Abbe's defence is, that they were only *individual acts* (*faits particulier,*) and never authorised by the laws and *canons of the Church.*" Then follows the Abbe's reply in full, in which he says, that "Jurieu produces an ancient book of the Roman Chancery;" and his whole answer admits that the taxes existed in Rome, that they began under John XXII. (*the very Pope who you say regulated the Courts!!*) in 1320. But, that *the Church* suppressed them as often as they appeared; and he concludes thus. "Let M. Jurieu then be assured that the *acts of the Court of Rome* were individual acts and not the acts of the Church." Bayle gives several reasons, which he thinks sufficient to fix the odium on the Church; but I do not cite them, I have never once attributed the work to the canons of the Church; I ascribed it to the Chancery, and

l'Abbe Richard admits this fully. Here, then, is a single witness, of himself sufficient to overthrow all your argument about a forgery. The editors of the *Nouveau Dict. Histor. Biograph.* (Caen, 1768)—Roman Catholics and violent against the reformation—refer (under Art. Pinet and Banck) to Pinet's translation of the Tax book, without the least pretence of its being a forgery. I have other authorities, but I give only one, viz.—Claude D'Espence. I mentioned him before as cited by Schlegel; and Drelincourt also refers to his language against the Tax book. (Bayle) D'Espence was a Doctor of the Sorbonne, and refused a Cardinal's Hat in 1555. (Lemprier's *Un Biograph.*) Here, then, is another most distinguished Roman Catholic, and a man whose piety and magnanimity must command the admiration of all; what does he say? "Provided money can be extorted every thing prohibited is permitted. There is almost nothing forbidden that is not dispensed with for money. So that as Horace said of his age, the greatest crime a person can commit is to be poor. Shameful to relate! They give power to priests to have concubines, and to live with their harlots who have children by them, upon paying an annual tribute. And, in some places, they oblige priests to pay this tax, saying they may keep a concubine if they please. *There is a printed book*, which has been publicly sold for a considerable time, entitled "The Taxes of the Apostolical Chancery" from which one may learn more enormities and crimes than from all the books of, &c. &c. "And of those crimes there are some which persons *may have liberty to commit* for money, while absolutions from all of them *after they have been committed*, may be bought. I refrain from repeating the words which are enough to strike one with horror." Claudius Espencer's *Comment. ad Cap. 1, Epist. ad Tit.* degrees 11.

Here then I stop, and let us see how matters stand *now*, you rest your whole case on proving Pinet's work to have been a deliberate forgery; and after two long epistles felt so confident, that it really seems an exercise of moderation not at once to "ask a concession of victory."

But where are you now? I confess that when, at the request of some of my fellow citizens, I hastily wrote the memorial, and casually used the comparison, I had probably only seen the statements of Saurin and Robertson; and these were sufficient to satisfy my mind as to the Tariff. What Protestant community will believe that they would record, as you affirm, a palpable and notorious falsehood? I am now surprised, that in this corner of the world, in a sequestered village, without access to any of those large libraries of Ecclesiastical documents, by which I am persuaded I could in a moment have settled the point, I have yet been able to procure such a mass of testimony to a truth, which it has been the effort of the greatest part of Europe to suppress. Let us recapitulate a little.

1. Of the two arguments on which you rely one is good for nothing, and the other recoils fatally and establishes decisively the very point you deny!!

2. There is full proof of editions long before Pinet's. His was in 1564 and L'Abbe Richard admits the tariff of sin 1320. Dumont and two clerks and the Secretary of Bois le Duc establish that of Rome 1554, and Cologne 1515—Drelincourt and D'Aubigne prove that of Paris 1520. Banck proves that of Cologne 1523; Drelincourt proves that of Paris 1545. 1546 is the date of the council of Trent, and the protest of the Protestant princes, and in their protest they inserted a copy of the tariff—(This Bayle supposes to be the copy which Pinet followed as "they agree precisely," *resemblent parfaitement.*) Banck proves an edition of Wittenburg 1558. About 1555, Claude D'Espence flourished, and he admits the Tax book as existing "*for some considerable time!*"

3. You assert that the Tax book of sin is a palpable and acknowledged forgery. This may be your sincere conviction. But it is only at this late day, and on this side the water, that such a defence could be set up—Espence about 1555 admits the work. In 1570, even the Inquisition of Spain and Rome do not pretend to any forgery; but only that "it had been corrupted." And L'Abbe Richard, in Bayle's time, and in Paris, where

certainly the matter could have been settled when Jurieu preached against the abomination of the Tax book, and produced an ancient copy, did not for a moment attempt to say that there was forgery; but admits the guilt of the Chancery, and informs us when that Court commenced to issue tariffs for sin, viz: 1320; and rests his whole defence on denying that *the Church* could be held responsible for the acts of the Chancery.

4. You assert that the tariff is, in Europe, so universally acknowledged to be a fable "that well informed Protestants ashamed of the folly of their ancestors have stricken it from the books of education, and that no man in Europe who aspires to the reputation of a scholar, or the liberality of a gentleman will venture even to allude to it." And, yet, in 1820, it is printed by the Protestants in Paris. In the latest edition of Mosheim, Schlegel cites D'Espence in proof of it; and it stands recorded in the works of Benson, Watson and Robertson; and, I venture to say, in every Protestant work, where it was ever mentioned! So much for the former part of your remark, and as to the latter, an humble individual like myself must, I suppose, be content to occupy a place with Robertson, Bishop Watson and others, who are so excessively liberal and ignorant, as to be convinced by testimony, which is full, conclusive, and irrefragable.

Your remarks on an English Divine, whom I do not know, and a clergyman in Baltimore, whom I think I do know, (and who, if my suspicions be correct is one of the most honorable, upright and devoted Presbyterian Pastors in the country)—these remarks require no comment from me. Whittaker, however, demands a passing tribute. He declares, you say, "that forgery is peculiar to Protestantism, and that he *looked in vain* for one of these accursed outrages amongst the disciples of Popery." Such is his broad assertion; and you endorse it, by adding, "it was the force of evidence, which urged him to write this." Well, sir, if this be so, Protestantism, instead of reforming one part of Europe, and more than half reforming the other, as some ignorant and illiberal people think, has indeed proved a curse to the world. But, without

saying a word about the notorious third Lateran Council, which makes not only falsehood, but perjury, a virtue, in behalf of the church—omitting that, will you permit me, respectfully to ask you one question? Did neither you nor Whittaker, in “looking” for an example, ever chance to light upon a certain book called “Pascal’s Provincial Letters?” Remember, sir, Pascal was no Protestant; he was one of the most brilliant ornaments of your church and an ornament to his age; and he writes of the Jesuits, whom I venture to pronounce the most enlightened as they were certainly the most powerful, of all the Roman Catholic orders. And what does he say of them, and their principles of action? I quote from page 329, where he speaks of their mode of *defending themselves against a passage in one of their writings*, with which (as in the case of the Tax book,) they were sometimes rather ungraciously twitted. “La plus innocente maniere de vous defendro, est de savouer hardiment les choses les plus evidentes?” “To deny boldly the most evident things, is your most innocent sort of defence.” “Vous forgez des ecrits, pour rendre vos enemis, odieux, comme *la lettre d’un ministre a M. Arnauld*, pour, faire croire, &c.” “You forge writings to make your enemies appear odious, as the *letter of a Minister to M. Arnauld*, in order to have it believed, &c.” “Vous attribuez, d’autres fois, a vos adversaries des ecrits pleins d’impiete, comme *la lettre ceculaire des Jansenistes*.” “You falsely attribute at other times to your adversaries writing, full of impiety as *their circular epistle of the Jansenistes*.” “Vous citez, quelquefois, les livres qui ne farent jamois au monde, comme *leu constitutions du Saint Sacrement*, d’ou vous rap- portez des passages que vous fabriquez a plaizer.” “You cite sometimes books that were never in the world, as *the constitutions of the Holy Sacrament*, out of which you quote passages fabricated by you at pleasure.” These are the words of Pascal, and these the principles of the Jesuits. Yet, Whittaker, good man, cannot for the life of him, find one instance of forgery among the Catholics, and declares that it is “peculiar to the reformed;” and you vindicate his assertion!! No apology is needed for citing these passages.

The case demands it, and while the remark made by Whittaker, and affirmed by you to be the truth, is a sweeping denunciation of the whole Protestant world, my quotation (like all I have said) has reference to the morals of an age long past. These very Jesuits were the persons who, in 1570, issued an Index Prohibitorum, in which they do not pretend a forgery, but only a corruption. That such men stopped there, can only be accounted for by remembering that they lived, not in the nineteenth, but in the sixteenth century; when, although goaded with the book by the Protestants, even they felt that the thing was as yet too notorious for them to hazard farther.

One word more as to the request with which you close. From the very first, I have declared that the committee had no intention to attack the Church of Rome; and I cannot now but add, that I think you have, most gratuitously, forced on a controversy, by which you can assuredly have done that church no good. If your object was not strife, but "peace and charity," why did you not make the request in your first communication? And why even now, after using such holy terms, do you finish off with a flourish about "following it up?" I owe it both to you and myself, not to put upon this language the construction it at first seems to demand. Yet what is its meaning? And why employ it at all, if your wish be for "peace and charity?" But you assure me that this is your desire; and you appeal to my feelings, as a Carolinian, and a man, and a Christian, to expunge from the memorial the unnecessary paragraph—as it cannot promote, but will provoke opposition to the address, and may seem disrespectful to the Legislature; and does "wound the feelings of many of my fellow-citizens:" You "ask of me (you say) no consession of victory, no abandonment of opinion, but you entreat, as a favor, for peace, for prudence, for charity, that I will suppress the paragraph of which you complain."

Now, sir, here is a request, with which I, at once and most cheerfully, comply, as far as is in my power. I have no apprehensions that the Legislature, would impute to the Prince William's meeting any want of respect. It

is the love we bear our native state, and our desire to see her maintaining her high and noble station—as well as a wish to rescue our fellow-men from destruction—which has prompted our petition, that a great and growing sin may no longer be made the subject of license and taxation: what you suggest, therefore, as to this, has no weight with me. But to your other reasons I have no hesitation in yielding. To refuse would be to give you good ground for questioning the sincerity of my repeated assurances that I never meant to attack a religious sect, or to insult its members. As to the Tax book of Iniquity, my opinion has been fully confirmed, and established, by the investigation required in this discussion; but “peace and charity” are names which should be very dear to every disciple of the Lord Jesus, and “for peace—for charity,” to prevent unnecessary “opposition to the memorial,” and to satisfy those to whom you allude, that I had no design “to do violence to their feelings,” simply from these considerations, I express my free and full consent, as an individual, to the alteration you so earnestly entreat. This, you at once see, is all I can do. Had you been present at the meeting, and made this request, I, as one of the committee, would have acceded readily. At present, you are aware, that the report of the committee belongs not to me, but to the body which adopted it. As the offensive clause is entirely unimportant, being only a comparison, I make no doubt but that the gentlemen who may present the memorial to the Legislature, will feel themselves at liberty to omit it, if requested to do so, for the reasons you assign. As to this, however, I, of course, can say nothing.

I conclude, by expressing a hope, that no word has been allowed to escape me in this paper, which can be regarded by you as a departure from the courtesy I wish to observe. If so, I beg leave to say that I am unconscious of it, and to assure you that it has been wholly unintentional. I have the honor to remain, Rev. Sir,

Your most obedient humble servant,

RICHARD FULLER.

Beaufort, Aug. 23d, 1839.

Charleston, Thursday, Aug. 29, 1839. Ten o'clock.

To the EDITORS of the Charleston Courier:

GENTLEMEN: I have just now laid down your paper of this morning, which contains the letter of the REV. RICHARD FULLER, dated the 23d inst.

As I am very much pressed by duties which will admit of no postponement, I shall not be able to send my reply this day, but trust I shall be able to furnish it tomorrow. I flatter myself that I shall be able to meet his new testimony, and to show that his remarks on my topics will not sustain his conclusions. Should he then consent to let the *special case* of the "Statute enacted by the Roman Chancery," be judged of by the testimony and arguments adduced, I shall consent to abandon my *special pleading*, and in considering the merits of the questions of Indulgences, and their abuse, I shall be ready, in return, for his concessions, in consenting to withdraw the clause objected to by me from the memorial, to grant him, that enormous and criminal abuses did exist, although I have no doubt that the Tax book was interpolated, and that the editions which he refers to should be considered forgeries.

I shall, however, if I mistake not, satisfy him that the Roman Catholic Church condemned those abuses, and used great efforts for their correction.

Yours, respectfully,

† JOHN, Bishop of Charleston.

From the *Courier* of August 31, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—You tell me that I have disappointed you, I regret it: but I must say that you have not disappointed me. I calculated that you wrote the truth, when you asserted that you meant nothing offensive to Roman Catholics by the passage in the memorial which has given rise to this controversy. Your acceding to my request is the best proof you could furnish, that my estimate of you as a gentleman was correct. I am quite certain that, though it is not in your power to strike the passage from the memorial, it is quite in your power to prevail upon the other gentlemen who have adopted it to consent to its being cancelled; and, of course, so far, we shall stand as if this clause never had been. I also calculated that you would use your best exertions to sustain the position you had taken. Neither have I been disappointed. I was prepared for ingenuity and industry, and I see full evidence of both.

But I have disappointed you, because I did not abandon the original question, and because I had recourse to special pleading instead of entering into the merits of the case. Sir, I apprehend the question originally was: whether there was “a statute enacted by the Roman Chancery, making assassination and murder and prostitution and every crime subjects of license and taxation, and regulating the price at which each might be committed.” Now I still consider the merits of the case to be found solely and singly in the question whether the Roman Chancery did enact such a statute: and I therefore avoided every other. You produced a number of witnesses and examined their merits. Yours was a *special charge*, I made a *special reply*. The question is one rather of simple enquiry as to the truth of a special allegation made by you, than of religious controversy. But I am free to avow that if such a statute was enacted, the tribunal and its abettors were therein guilty of the most

irreligious misconduct; and I now repeat what I originally stated. I wish, "if you be correct, that the whole community may unite with you in the reprobation you so justly cast upon the Roman Chancery." The Tax book of the Roman Chancery was produced by you as the statute. I admitted that there was a Tax book, but I denied that the copies, which, upon the authority of Bayle, you produced, were correct. I stated that they had been interpolated, and I gave you as *my opinion*, that Pinet was the original fabricator. You now undertake to show that I had no ground for asserting that there had been an interpolation, and why my opinion respecting Pinet is untenable. The two questions are perfectly distinct. I have no doubt whatever respecting the first, that is the interpolation. With regard to the second, viz. Pinet's being the original fabricator, I am not so positive; but it is next to evident to my mind that he was. I see no reason to change my opinion—and such is the opinion of "many critics much more respectable than I can pretend to be." These, sir, were from the beginning my assertions.

Pinet's book was published in 1564. My statement was that there existed no previous edition of the Tax book which contained these iniquitous items, whose existence, upon a genuine copy, would appear to sustain your assertion, that such a statute as you describe was enacted by the Roman Chancery. Pinet's edition contained some such clauses.

Your ground then would be to show that previous editions, containing those or similar clauses, did exist, and that they were genuine and authentic. In order to effect this, you endeavor, 1st to fasten contradictions and inconsistencies upon me, in my examination of your witnesses,—2d to uphold their credit, and 3d to bring new evidence to sustain their position.

Now, sir, I shall proceed to examine your charges against my mode of showing that you have failed to prove the enactment of the statute. You say:—

"The sophistry about a license and a tax, you still introduce, I perceive, when nothing else can be said."

What is the proof of this?

"In your first letter, you admit that if you saw the editions of the tariff mentioned" viz: at Rome, 1514, at Cologne, 1515, at Paris, 1520, "it would prove that a penalty was inflicted, &c." Now, sir, I shall take the liberty of supplying what your, &c. refers to, and what I wrote; it is as follows—"upon the delinquent, after the commission of the crime, not that a license was previously granted." You also appear to have overlooked the following words which I wrote, and which I shall here give in Italics, "suppose I did see such a book, and that it was what you describe: *it would not sustain the truth of the charge of the memorial.*" I shall not charge garbling upon you, but I apprehend that the complexion of my whole sentence was thus changed by you: for I there asserted, as I still do, that the existence of the book, even were it what you describe, would not prove that such a statute as that mentioned in the memorial existed. I also stated in that letter, that I did not know of any book which fixes a price for the absolution from any sin, according to the doctrine of the Roman Catholic Church—and after stating, that in the Roman Catholic Church, an Indulgence is not a license to commit sin, neither is it the mode of regulating the price at which sin may be committed, nor is it an absolution from sin already committed—and therefore it was not what your memorial described.

You desire to show my inconsistencies thus:—"But when I produce evidence the most satisfactory of the existence of these editions, you say I ought to produce the statute."

Now, sir, if you did produce such evidence, it would not show that I was inconsistent, because I previously said, whether correctly or not it is for others to judge, that such evidence would not prove the allegation of the memorial; and again, I would not be inconsistent, for I still say that you have produced no such evidence: but that in saying that you have produced it, you only beg the question. This, too, is to be decided by our readers.

Again, you charge me with inconsistency because I

will not touch "the notorious traffic of indulgences and the legitimate and inevitable inference of a tariff." "And yet, I do not hesitate about an episode on Maria Monk, or unmeasured and most unnecessary allegations, as to two absent clergymen." I have above shown why I would not touch indulgences, because their abuse was a different question from that of the existence of the alleged statute; and because from their nature they did not come under its description. The episodes were direct proofs of the existence of a system of fiction and forgery to misrepresent our tenets and practices, and these proofs were intended to meet efforts, such as I have often known to have been made, and which in your last, you make to uphold Pinet, when you say that I venture to bring a charge of deliberate forgery against a literary gentleman of noble birth, and which I ought not to have brought without some proof. I thought I had brought some proof, and I did not therefore think them "most unnecessary"—nor do I consider them "unmeasured." In the case of one of the clergymen, the author admitted that he fabricated the document, and in the other, from my own personal examination and from the most respectable testimony, I know the statements to be untrue.

It is not for me to judge of the value of my letters; it is for our readers, and to their judgment I commit them.

Your next charge upon me is, that I imputed to you without foundation the statement, that Drelincourt was an *Italian*. Sir, I gave my authority; your own words were that he was "a Roman Priest." You ask me, "Does *Roman Catholic* mean *Italian Catholic*?" I answer, it may, because there are Roman Catholics who are Italians, and it may not, because there are Roman Catholics who are not Italians; but a "Roman Priest" certainly means a Priest of the Roman territory, which territory is certainly in Italy. You do not say that you wrote *Roman Catholic*, and if you did, the printer has made the omission, which misled me. And since I found you had so little knowledge as to give him to us as a Roman Catholic, which I inferred from your calling him a *Priest*, an appellation, which I believe Calvinistic Cler-

gymen disclaim, I thought you perhaps knew just as little of his country. Let this, sir, be my excuse in answer to your disclaimer.

You next ask me to translate the words of Bayle, where you assert that D'Aubigne quotes the book, and says, that of Paris 1520, was the first. Sir, I am quite satisfied with your translation. It corresponds with the translation in the Charleston Library, to which I refer in making my statements. I was kindly invited by a mutual friend of ours, in this city to use in his library a French edition, to which I believe, some friends of yours in this city also have access; but I generally use the translation made by English Protestants, and as it is open to all, I refer to it on this occasion. But let us see the charge made upon me and how far it is sustained.

Your words are: "D'Aubigne also quotes the book, and I remarked that he cited the edition of 1520 as the first. You reply—'he says no such thing.' Be pleased, sir, to translate the words of Bayle—(they are thus translated) Paris, 1520." Thus you make it appear that I flippantly deny, without any ground, what Bayle asserts, as notorious fact.

My words were, "you tell us that D'Aubigne stated that the edition of Paris, in 1520, was the first. I beg leave to refer you to my letter of the 17th, where I show that D'Aubigne says no such thing, but that his note maker said the edition of 1570 was the first, and another note maker says, that was probably a mistake and that 1520 was meant. This is no evidence of an edition of 1520 in Paris." Now your quotation from Bayle is in his note upon Banck, and for his assertion that D'Aubigne cites the edition of Paris 1520, he refers us to the article, Pinet. Bayle's own words there are the following: "The commentator on the words *five gros* declares that this is found in folio 36, *verso*; he doubtless means that edition mentioned by D'Aubigne, viz: that of Paris 1570," to which the following marginal note is attached: "a typographical error, probably for 1520."

My remarks, in my letter of the 17th, respecting D'Aubigne, are, "Between himself and his note maker,

we are told of a Paris edition of 1570, by Toussaint Denis. Another note maker in Bayle states, that this must be a typographical error, and that it ought to have been probably 1520." I then state that the object of the correction was manifestly to heal a blunder, which I there describe. I leave to my readers now to decide between us.

You next insinuate that I have given a false translation in describing Banck's edition—"sir, having given the French of *word for word*, (mot a mot) which makes it appear, as if you were translating closely, why did you not give the French for 'shown him as?' Bayle has no such word"—my answer is, because I was not translating closely, nor translating loosely, but describing, as my context shows. The description also, I still give as correct. I did not assert that Bayle stated it in the words I used, "shown as printed in Rome," but I described it so: And how else could I properly describe it? Dumont, who printed the book in 1664, showed the Secretary a book bearing on this title, if you will, that it was printed in Rome one hundred and fifty years before. I described it "shown as printed in Rome." Now, sir, you must be aware, and if you are not, abundant proof could be furnished to show, that at this period it was by no means uncommon to issue books, whose title pages purported that they had been printed in a different place, and at a different time, from what was really the fact. Nor was this always done for the purpose of misleading the ordinary reader, but more frequently to escape the penalty of a prohibitory law, and to baffle the prosecutor: Nothing is better known to those who have studied the history of books. Hence the title page was no evidence, and it was therefore I described the book, "shown as printed at Rome." Bayle, certainly has no such words, nor did I say he had. Neither does he directly assert that the work was printed at Rome. His words as translated in the Charleston Library, are substantially yours.

"D'Aubigne's Commentator affirms, that the Paris edition, of 1520, is the first; but I know that, in 1664,

Stephen Dumont, a bookseller of Bois-le-Duc, published in Latin and Flemish, from an edition printed at Rome in 1514, a book entitled *Taxæ Cancellariæ Apostolicæ, and Taxæ Sacræ Apostolicæ*, and that he collated word for word his edition, with that of Rome, of which a certificate was given, printed in p. 131, by a secretary of Bois le Duc. It is said, in the preface in question, that this same work was printed at Colen. *Apud Gosvinum Colinium, in 1515.*"

Now Bayle furnishes no proof, that this was printed in Rome, in 1514, or at any time, nor that it was printed at Cologne, in 1515—but he says, that he knows, what I do not deny or admit, that DuMont, printed a book from an edition, which bore upon its title page, if you will, or professed, in any other way that you please, that it was printed in Rome, in 1514. The Secretary does not prove, nor assert its having been printed at Rome, but the conformity of the copy. In the article Banck, Bayle writes:—

"I have observed likewise, that D'Aubigne quotes the edition of Paris, of 1520. That was not the first, as some have imagined; for the edition of Bois le Duc informs me that this book was printed at Rome, in 1514, and at Cologne, in 1515, and it was entitled *Regulæ, Constitutiones, Reservationes Cancellariæ, S. Domini, nostri Leonis Papæ decimi, noviter editæ et publicatæ per Marcellum Silber, alias Franck, Romæ in Campo Floræ, anno MDXIV. die xviii. Novembris impressæ finiunt feliciter*. This is what is testified by the two Echevins of Bois le Duc, who with the Secretary of the city, had collated, word for word, this edition of Rome, with that which Stephen DuMont, bookseller, of Bois le Duc, published in the year 1664, and which is entitled, *Taxæ Cancellariæ Apostolicæ, et Taxæ Sacræ Pænitentiariæ Apostolicæ*.

Thus Bayle has no proof but DuMont—and what is the bookseller's proof? I shall suppose he had a book purporting to have been printed in Rome in 1514. Where is the proof that this was then and there printed? The Echevins of Bois le Duc, as Bayle calls them; the two clerks, as you call them? Surely you will not say that

they have proved the book to have been printed at Rome one hundred and fifty years previously. You only inform us that Bayle says they aided the secretary in the collation and that they deposed this, and that the collation was word for word. This leaves us still without proof for an edition in Rome in 1514, or in Cologne in 1515. Was I then correct in describing the work which was used "*as printed at Rome?*" Can you say more for it than that it *purported to have been* printed there in 1514.

Now, sir, I have one word for you, and another for your clerks. You state that Bayle asserts that they "deposed," and to show that the deposition was an oath, you inform us, "and their affidavits also accompanied the work." Now, I can assure you, that in the edition in the Charleston Library, there is not a word which shows that they either made affidavits, or that their affidavits were published with the work. It only informs us that a certificate of the secretary was given, at p. 131. I should be sorry to find that they had sworn, as I could not acquit them of perjury if they had: for when you compare even the two titles, you will find that they do not correspond word for word—because each has many words not to be found in the other. And, in truth, if they were both placed before an impartial judge, who knew nothing of the transaction, he would have no good cause to suspect they were descriptions of the same work. And yet, sir, I always believed that when books were certified to agree, word for word, the agreement extended to the titles. Now, sir, I respectfully ask, did you not strain at a gnat when you quarrelled with *as?* and did you not swallow a camel when you gulped the affidavits and admitted the agreement mot a mot, and concluded from such testimony that there was an edition printed in Rome in 1514, and one at Cologne in 1515, corresponding with that of DuMont in 1664?

I must, unwillingly, conclude here, for the present, by assuring you of the respect, with which I have the honor to be, Rev. sir, your obedient, humble servant,

†JOHN, *Bishop of Charleston.*

Charleston, S. C. August 30, 1839.

From the *Courier* of Sept. 2, 1839.

To the REV. RICHARD FULLER, *Beaufort*:

REV. SIR:—I have now to explain a self contradiction which you are pleased to charge upon me. You write:

“You first deny positively that Banck says he *procured any copy* of the Tax book in Rome.” To sustain this you quote my words: “Banck never made any such assertion.”—(lett. 1st.) You proceed: “Then in the face of this you affirm that he does profess not only to have *procured, but brought away a printed copy* in 1644.” To sustain this you quote my words: “The copy Banck brought from Rome was in 1644.” (lett. 2d.) This really looks like a contradiction; I must acknowledge that it does.

But, sir, the only explanation I can offer is, that when all my words are quoted, they have a very different meaning from what a few of them separated from the rest will bear. I shall give my words, as they are found in letter 1st. They are as follows: “Your ninth witness is Banck; you say,” here I quote your words, “he procured in Rome an edition of the famous Tax book and published it.” “I apprehend that here you have made another mistake, and that Banck never made any such assertion.” Now, sir, the assertion which I say that Banck did not make was that which you said he made, and your own words are, (letter of August 31,) “He procured in Rome an edition of the famous Tax book of the Chancery and *published it!*” My denial then, was not of his having procured an edition in Rome, but of his having published *the edition so procured*; and my next words make this so plain as to allow no subterfuge: “His statement was that he had a number of copies differing in a variety of points from each other, not in difference of coins, but difference of crimes, and difference of rates for the same crimes, and that out of the whole he gave a *new compilation*, supplying in each what was wanting in the other. Thus it was not an *exact copy* of any preceding one.” This was

what I wrote and it was plainly denying that the book which Banck published was by him stated to be what you describe it was, "a publication of the famous Tax book of the Chancery which he procured in Rome," but alleging that it was a compilation of his own. Then, sir, I did not deny that he procured and brought from Rome any edition of the Chancery Tax book; and, therefore, if I asserted that he did bring such a copy, I did not contradict myself.

We now come to the statement in my second letter, and there the passage is the following:

"Banck says that amongst the copies which he consulted, and from which he made his selection, were an edition of Cologne in 1523 and one of Wittenburg in 1558, not 1538, as you state (and though you have not noticed it, I was wrong here, for upon again looking to the article I find you give it correctly,) and an Italian tract with the tax under Innocent X., which should not have been earlier than 1644—(because it was in that year Innocent X. became Pope, and upon each accession no tax can be legally demanded until ratified by the new Pontiff,) you state that 'he procured in Rome an edition of the famous Tax book of the Chancery and published it.' The edition published by Banck was in 1651—the copy he brought from Rome was in 1644."

Now all this was predicated upon your own assertion, the truth of which I denied. You asserted that he "published it." To what does it refer? Clearly to the "edition of the famous Tax book," which "he procured in Rome." He published it, not at Rome, but at Francker. He must have had a copy from which the publication was made, and clearly that must have been brought from Rome. This, sir, was the process by which I was led to assert that upon the supposition of your being correct in stating that if he procured a copy of the Tax book in Rome and published it at Francker, he must have brought the copy from Rome. Now, sir, so far from admitting the truth of your assertion, I denied it; (I did so letter 1st.) "You say he procured in Rome an edition of the famous Tax book of the Chancery and published it; I apprehend, sir,

that here you have made another mistake; and that Banck never made any such assertion." I argued in the following manner, (letter second,) to show the absurdity of your statement: "The edition published by Banck was in 1651; the copy he brought from Rome was in 1644, and it was upon the index of prohibited books in 1570, exactly seventy-four years previous to this date; and the preface to Banck's book informs us that it was placed upon the index in 1570; because in Rome they were ashamed of it, and sought to stifle it, and yet they printed and published it, and allowed their enemy to bring away a copy and publish it to their degradation!!!" You are quite correct in what you add, "and then quote Banck himself to show that the book was on the index of prohibited works in 1570, and exclaim with no less than three triumphant !!! at the absurdity. Is this right?"—This leads me to see that you perceived what I intended to be the drift of my observations, which was to exhibit the absurdity of your assertion, "He procured in Rome an edition of the famous Tax book of the Roman Chancery and published it." I apprehend then, that on my part there is no self-contradiction. I leave to the reader to form his own opinion of your production and of mine.

As I have been thus forced to the re-examination of Banck, it will be as well to dispose, in this place, of all that you urge to sustain him. You add: "Banck does say he procured and availed himself of a copy in Rome, but it was a *private manuscript copy*, shown him by the lecturer as above, being as I said before, the private copy of that monk. He says nothing about 'bringing away any copy from Rome,' much less a printed one in 1644." Now sir, were I to take this assertion of yours as a ground upon which I could rely, I would desire nothing more to effect the complete destruction of your original assertion—"He procured in Rome an edition of the famous Tax book of the Roman Chancery and published it." If he took no copy which he brought away, how could he publish it? He may publish his recollection of it; but would his recollection of a *private manuscript copy*, the private copy of a monk, printed after he had made a jour-

ney from Rome to Francker, be admitted as authority in any impeachment? Are the Pope and the officers of the Roman Chancery accountable for the contents of a *private manuscript*, the private property of a monk which in all probability had never been seen by either of them, even admitting the existence of such a monk and such a copy, and the accuracy of the recollection of such witness? You seem, however, to think him an excellent witness:

“He was a distinguished Swede, * * He spent some time in Rome, and returned with great honor to his own country, and died in 1662. He procured in Rome an edition of the famous Tax book of the Roman Chancery and published it.” “He travelled in Italy, and Spain, and France, and was a ‘scholar’ and ‘professor of jurisprudence,’ and was ‘honored with distinguished appointments.’” ‘Here, then, is a man possessing every qualification and facility, and he declares that to make his work complete he consulted the most ancient editions of the Tax book, and compared them word for word; and that he used the edition of Cologne, 1523, and Wittenburg, 1538. He also examined a *manuscript* copy, shown him by SIBON, a Bernard monk and lecturer in the College of Rome’—of what dates he does not say, but it was ‘a *manuscript*,’ and as the lecturer only let him have a sight of it, (*communiqué*) I presume that it was the tariff then used, but which it was *no longer safe to reprint*, indeed the printing of which was prohibited. How do you get rid of Banck? With the other witnesses, you simply affirm, ‘they prove nothing, are declaimers,’ &c.; of this one you undertake to impeach the testimony by argument, and what do you urge? 1st. Banck’s work ‘was not a document for which any tribunal was accountable,’ that is to say, if a distinguished lawyer should collect carefully and publish correctly all the acts of the legislature, on any subject, and give a complete and full edition, he would publish statutes for which the legislature was not accountable.”

Now I shall try your remarks by Bayle’s testimony, taken from his notes on Banck as found in the library.

1st. Bayle states that Banck "says that he consulted the most ancient copies printed or manuscript." He enumerates those which he used, viz: the edition of Cologne, 1523; that of Wittenburg, 1538; that of Venice, 1584; and the manuscript of Sibon, which you state he had not, for he only "had a sight of it in Rome," and he added notes and a glossary, and an Italian tract which contained the tax under Innocent X. who became Pope in 1644, and was at the head of the Church in 1651 when Banck's book was published. Thus he saw one manuscript and had three printed copies, not one of which was either official or proved to conform to an official or authentic copy. Bayle subsequently mentions editions, Rome, 1514; Cologne, 1515; Paris, 1520; Venice, 1533; Paris, 1545; Venice, 1684; Frankfort, 1612; and Paris 1625, and remarks, "Our Laurence Banck knew nothing" of almost all of these editions. I am quite convinced that of almost all of them the very persons who were said to have printed them knew nothing. This will show the extent of his research; as that of Venice, 1584, was in Banck's enumeration, we suppose he knew nothing of the other seven.

Before I stated that Banck's was a document for which no tribunal was accountable, I gave the reasons. 1st. That his compilation was not an exact copy of any preceding one. 2nd. That the documents which he says he used, differed from each other. 3d. That he supplied from each what was wanting in the others. 4th. That though he gave it as an edition (and of course purporting to be a copy) of the Tax book, it was a compilation of his own, for which he alone was accountable. I admit that if any tribunal subsequently recognised its correctness, that tribunal would then be accountable; but the tribunal which you endeavor to make responsible for it, concurred with that which denounced it. Bayle's words are: "And by comparing them word for word, supplied by means of one what was wanting in the others."

Now for your comparison of his work with that of a compilation of all the laws upon any subject. 1st. You beg the question because Catholics denied that what he

collected were laws. Bayle says that Pinet, Voctius and Hottinger "opposed that [the Paris edition of 1550] chiefly to the Roman Catholics, who would never allow that the tax of the Chancery was ever published with privilege, and next, because by placing it on the Index the proper Roman tribunal denounced it as no law.

"Collect carefully all the laws."—The care with which he collected, may be seen from your own statement; he brought no copy from Rome, though he printed according to Bayle, a copy of the tax, which was made use of under Pope Innocent X.,—that is, after 1644; that he knew nothing of most of eight editions, which Bayle enumerates, and he makes no mention in describing those that he used of Pinet's in 1564,—“and publish correctly.” How can such a compilation as this be called a correct publication, when he himself states that he followed no edition, but made a compilation from all? This is not noting the variations which successive legislatures may make in the laws upon any subject, and giving after their exhibition the exact law then in force; but it is combining into one mass all the statements of documents which purport to be copies of one instrument and which do not in fact agree. This is not a correct publication, according to my view; I will not say but in your estimation it may be correct.

Should an American lawyer of eminence make such a compilation as you describe, of the laws of any state upon a given subject, it would be a fair representation of the law and the legislature would be accountable therefor. Would the legislature of this state be accountable for a compilation made by a foreign lawyer, in order to bring the state and its legislature into contempt, though this compilation should purport to be an exhibition of its laws upon any subject whilst the tribunals of the state openly denounced the works from which the compilation was said to be made, as *depraved by hostile opponents!* Banck was a hostile opponent to Rome; his compilation was made to bring its tribunals into contempt: the works which he said he used, if they existed at all, were openly denounced by the Roman tribunals, as *depraved by hos-*

tile opponents! Thus, sir, I submit that I have sustained my assertion, "Banck's was not a document for which any tribunal was accountable."

I have then done with him, unless you should again put him forward. It is not my prerogative to force your assent; but it is my duty to show why I made the assertion, and it is for every reader to form his own opinion of the sufficiency of my reasons.

But, sir, I have a word or two for what you "presumed." You presume that Sibon's manuscript "was the Tariff then used, but which it was *no longer safe to print*. Indeed the printing of which was prohibited." I should suppose it would be equally unsafe to let an enemy get a sight of it in manuscript as in print, and that Sibon was then unsafe for having shown it, should he be convicted. He conferred a favor on Banck by "giving the sight," and his friend Banck, in return, published to the world, and of course to the Roman authorities, that Sibon, a lecturer in their college, betrayed them!!! You observe, I consider this to be so absurd that I again use what you call my notes of triumph, but what I only intend for the admiration of astonishment. No, sir, it was not unsafe to print the genuine copy of the work of the Chancery, though I grant it would not be very safe to print an edition depraved or corrupted, and it was only the printing of such editions that was prohibited. In fact the book containing the regulations of the Roman Chancery was continually printed and reprinted in Rome from the discovery of the art of printing to the present day. Dr. Lingard writes, (Tracts published by Lucas, Baltimore, note, p. 115,) "I have however read the regulæ Cancellariæ, printed 1481, and several other editions from that period to the close of the last century." They are reprinted at Rome generally upon the accession of each new Pope. I have now before me a copy in the *Jus Canonicum* of Reiffensteal. The copy was published by the authority and direction of Pope Clement XI. and certified by the proper officer, Joseph Maria Minicoti, the deputy guardian of the Chancery. The document itself is contained in fourteen folio pages. Several decisions

and solutions of questions arising from its contents occupy nearly eight folio pages. I shall freely show it to any one who thinks proper to consult it. I beg leave to copy your own remark, which our readers will apply as they see fit. "These sorts of arguments are dangerous. they are almost always sure to explode in the hands of the person who uses them."

You correct my reference to Dr. Robertson's authorities, and you say that besides referring to Bayle, and the Franckfort edition of the Tax book, he also refers to the Fasciculus and to Schelhorn. I admit the correctness of your description of his notes of his reference; but they are for his entire paragraph which contains many other statements besides the description of the Tax book—and I apprehend you will find that the two which I omitted, are to sustain his other statements, and have no concern with that book. It is possible that this may on my part be a mistake. I, however, have some reason to think otherwise. Should you prove that I am in error, I shall be glad to be corrected, but it will not give Robertson one particle of additional strength. What would my argument gain, for instance, were I to prove that Dr. Robertson confounded Francker in the Netherlands, with Franckfort in Germany.

I have done with Saurin, with Robertson, with Buck, the Encyclopedia, with DuMont, with his secretary, with his clerks, with their affidavits, and with D'Aubigne and his note makers' typographical error, and I have done with Banck.

You say that Drelincourt, who as Bayle tells you was a Protestant minister, "proves every thing," in answer to my allegation that he "proved nothing." If you take his word for proof, which I am not disposed to do upon such a question and under such circumstances, he proves that there was an edition of Paris in 1520, which contained the wicked clauses, because he said that he had it. DuMont said that he had an edition of Rome in 1514, he did not prove it. But Drelincourt told the Bishop of Belley that he had it, and you ask, "does the Bishop deny this?" I must avow that I do not know, for I have

not seen the Bishop's answer, nor do I know whether he made any answer, but I do know that you will find in Bayle's note on Banck the testimony of Gisbert Voet, a Protestant minister, that the Catholics denied its existence, "*Addorem et librum a Pontificiis passim negari, ubi ita usu venit ut nostri allegando illam taxam mendacii et calumnæ suspecti an.*" He had been writing of the Tax book which he calls *Pœnitentiariæ*, not of the Roman "Chancery," and he says that very few copies remain of the Paris edition in 4to of 1520. It is easy, he adds, to conjecture who destroyed them, and he begs that they who have copies may be very careful to keep them.

"I add that the thing and the book are every where denied by the Papists, whence it has become usual that our people are suspected of lying and calumny in alleging that tax." I could add other witnesses. Thus if the existence of the book was alleged by some few, it was "every where denied by the Papists." Drelincourt was born, as I before observed, in 1595—that is, the book is said to have been printed seventy-five years before his birth, and he is called upon to prove when and where it was printed: because upon the strongest ground of his case, and believing all that he says to be true, he had a book which purported to have been then and there printed. You may call this proof, I do not. Voet, who was at least six years his senior, tells us that the Papists every where denied that there was such an edition: and I believe it is in human nature that when a large body are fully aware that a notorious fabrication is adduced to charge against them gross misconduct of which they are not guilty, a general denial every where made, is all that can be expected, and that every repetition of the calumny is not met by a formal and written and recorded denial.

You adduce Drelincourt and D'Aubigne as your witnesses for the Paris edition of 1520. I have done with the latter. I now repeat the former proves nothing: for though he might have had a book, purporting to have been printed in Paris in that year, there is nothing to show that it was then and there printed. It might have been printed after 1564 and dated 1520, and still be

thirty years old when Drelincourt was born. Thus it is not necessary to impeach his credit to destroy his testimony. The same remarks may be applied to his book of 1545. I am done with Drelincourt and his testimony.

You ask me, "and of what avail is it to say that the edition of 1520 was not of Rome?" I suspect, sir, had you detected such a saying on my part you would make it avail for more than I have done. "You know that an edition of Paris in 1520 could not be the work of Protestants." Perhaps not. But you know that an edition *as* of Paris and *as* of 1520 could.

I regret that neither my matter nor my occupation will permit me to conclude as speedily as we would both desire.

I have the honor, Rev. sir, to be

Your obedient and humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, S. C., August 31, 1839.

From the *Courier* of September 3, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—Your next topic before me is Pinet. You endeavor to sustain him in a variety of ways, and clearly it was important that you should. You first lecture me roundly for imputing to him the "heinous and infamous crime of forgery. That he was the original fabricator, was my opinion, and I still entertain it, your lecture notwithstanding. You ask, "Does any single biographer or writer bring this charge against him?" Suppose no one did, and that my reasons would lead to the conclusion, would the silence of others destroy their value? I am content to rest upon them for the support of that opinion. But I shall give you one writer, which will be sufficient to meet your question with a "yes." Dr. Lingard (p. 114 Tracts) writes:—

"It is indeed true, that for the transaction of business

in the Papal Chancery, as well as in the ecclesiastical courts in England, fees have been required by the officers: but these are not paid as the price of sin, but for expedition of business. This circumstance, however, furnished a useful hint to some of the fathers of the Reformation, who had no objection to a pious fraud, when it might promote the godly work in which they were engaged. The *Taxæ Cancellariæ Romanæ* were ingeniously corrected, interpolated and enlarged; the improved copy was circulated by the Reformers, as a proof that Rome was the great custom house of sin, and the cheat was greedily devoured by the prejudices of their disciples. He says in his note:—"The principal editions of the *Liber Taxæ Cancellariæ* are those given by Pinet and Banck, and both were censured as spurious at Rome and Madrid,"

The insertion upon the index *depravata* is a charge of forgery by a public tribunal.

You tell me that I offer no direct testimony; I answer that I give that sort of testimony which is generally found sufficient, and generally the only kind which can be adduced in such a case. 1. That he edited and published a book containing the fabricated matter. 2. That as soon as could be reasonably expected, the competent public tribunal denounced it as a fabrication. 3. That there is no evidence of its having been previously published or known. 4. That the Catholics every where protested against the fabrication, and charged with lying and calumny those who imputed to them the crimes charged in the fabrication. 5. That Pinet does not exhibit his original, nor refer to it, nor describe it, so that it could be identified. 6. That he was a virulent enemy of those whom the publication villifies; and 7. That he published several other fictions as true history. I should tremble for myself if I were arraigned before your reverend friends in this city, upon a charge of forgery against a Protestant church of any denomination, and that you were to conduct the prosecution, and had such a case to make out against me. Something perhaps remains to be said on the third of these heads.

You say Bayle asserts the existence of former editions.

I never denied that he made the assertion; but I think I showed that it was unsustained by evidence, and I shall show that it is not upheld by your new witnesses. Lingard says: (Tracts, note pp. 114, 115.)

“Bayle (and I believe it is to Bayle either mediately or immediately, the most of our adversaries are indebted for the knowledge which they display on this important subject) observes that it is difficult to explain the great differences between these two editions, (Pinet’s and Banck’s) to understand the real value of the moneys they mention. He adds that there are also several editions given at Paris and Cologne; but he, it appears, was never able to meet any of them; I have been equally unfortunate.”

Bayle then, has no testimony of his own upon the subject; he reasons, if you will, upon the testimony of other witnesses; we have that testimony; our business is with that, not with him.

You say that upon a bibliographical point to which *special* pleading has degraded this discussion, he is acknowledged authority all over Europe. Sir, I never was aware of any other discussion than that to ascertain whether the Roman Chancery had passed the statute to which you alluded. You undertook to prove it by producing the book, and the discussion naturally became a question of bibliography, viz: were there such books as you alleged? Were they authentic? Do they give evidence that the Roman Chancery enacted the statute? You may wish to rove more at large; but I cannot consent to go out of the evidence. I have nothing to do with Bayle until he gives some testimony which would effect the case. He has given none—he is a reasoner, not a witness. Sir, it is a common assertion with gentlemen in your position that infidels are impartial between Catholics and Protestants. I am far from admitting the truth of this. It has been frequently observed that uniformly they aid the latter against the former, and for a very natural reason. Their object is to destroy Christianity; should they succeed in bringing the larger portion of the Christian body into contempt, the victory over the smaller would be greatly fa-

cilitated. It would require but a farther application of the principle by which the infidel would overturn the Catholic to demolish the Protestant. Hence the efforts of Gibbon, Hume, Voltaire, Rousseau, and all that school are carefully directed against Catholics. Besides, Bayle had special hatred to Catholics, because of the exile which he suffered under the laws of France for returning to the profession of Protestantism. These are my objections to placing myself under his authority.

Now, sir, you tell me there is full proof of an edition long before Pinet's. This is really the proper question. Your first witness is Abbe Richard. You say that "he admits the tariff of sin in 1320." I know nothing of him, but what Bayle relates in his notes on Banck. You probably know something more, for you inform me that Jurieu preached in Paris, as I apprehend your expressions; I was not before aware of this. However, as I like to have your own words under my eye, I copy them here.

"Abbe Richard, in Bayle's time, and in Paris, where certainly the matter could have been settled, when Jurieu preached against the abominations of the Tax book, and produced an ancient copy, did not for a moment attempt to say it was a forgery; but admits the guilt of the Chancery, and informs us when that Court commenced to issue the tariffs for sin, viz: 1320, and rests his whole defence on denying that the Church could be held responsible for the acts of the Chancery."

Now, suppose I grant the whole of this to be true. I do not know that it will prove more than that Abbe Richard, whoever he was, made a mistake. Jurieu died in 1713, at which period a copy of Pinet's edition would have been one hundred and forty-nine years old. You would call a book printed in 1713 an ancient copy, and yet it would not be more than one hundred and twenty-six years old. It was long previous to this upon the Index at Rome, at Madrid and in Paris, as a forgery, *depravata*. One hundred years previous to this, we have evidence that the Catholics every where denied the truth of the charge, and that it was usual to suspect as liars and calumniators those who alleged that there was such

a tax. And yet the good Abbe had nothing to say to Jurieu, only that it was as old as 1320, but the Church was not accountable for it!!! Should I make you a present of the Abbe you would gain nothing by it.

But from the extract which Bayle furnishes, it would seem that the question between them was whether the whole Church was not criminal, because the Tax book of the Chancery contained iniquitous items, and that Richard answered no: the Church is only accountable for its laws and its canons, but the book of Chancery taxes not being a law or a canon of the Church, she is not accountable therefor. He next states that the taxes of the Chancery did not begin until 1320, and the taxes of the Penitentiary did not appear until 1336, and that both were immediately suppressed. Now this is untrue, for the regular taxes always subsisted, and are still payable for documents procured from either office. Thus, if it were asserted by Richard, he stated what was not the fact: but if by either design or accident, by typographical error or otherwise, a few words of what Richard did write happened to fall out, and these words, described that there were interpolated editions at a later period, and that they were suppressed and put amongst the prohibited works, he would have stated what was a notorious fact. The following is the extract from Bayle, and I know nothing farther of Abbe Richard, who notwithstanding my ignorance, might have been a very great man.

"The abbot replies, that these were only *particular facts*, which had never been *authorised by the laws and canons of the Church of Rome*. We take it well," continues he, "that M. Jurieu gives an account of the taxes from an old book of Chancery of Rome. But is it not extremely ridiculous to make a book of taxes pass for the laws and canons of the Church? Would it not turn the civil law into a mere fable, to insert the fees of executioners into the code, and place them among the laws. Would not this do a great honor to the gentlemen concerned? Let M. Jurieu learn then what the laws and canons of the Church of Rome are: and let him know in the meantime that these old taxes of the Chancery of

Rome are not only of no authority in the Church, but that she has always abhorred them. These taxes of the Chancery did not begin till under the Pontificate of John XXII. about the year 1320: and the taxes of the Penitentiary did not appear till towards the year 1336, under Benedict XII.; and both of them were immediately suppressed, and afterwards ranked amongst the prohibited books, according to the observation of the *Sieur DuMont*, who published them in 1664: which shows sufficiently the abhorrence which the Church of Rome had for those taxes; so far was she from proposing or holding them as rules as *M. Jurieu* would make us believe. Let him know then that the actions of the officers of the Court of Rome are only the action of particular men and not of the Church."

Thus we have no proof that *Jurieu's* copy preceded 1664, and *Richard* proves no copy at all, nor does he tell us what the taxes were in 1320, or at any other period. Thus *Abbe Richard*, though he admits as I do a tariff in 1320, does not prove your statute, nor your tariff, nor the Tariff of sin.

You then tell us that *DuMont*, and two clerks and the Secretary of Bois le Duc establish that of Rome in 1514, and that of Cologne in 1515. I doubt much if our readers will admit that of Rome as proved by them, your imaginary affidavits notwithstanding—and this grouping of witnesses and facts appears to have perplexed even your clear understanding, for you must recollect that neither the secretary nor clerks said or swore one word respecting that of Cologne. The preface of the bookseller is all that we have for that. And as to the effort to clothe with the semblance of official authority this transaction concerning the Roman edition, I would ask any plain man, of how much value would be the testimony of the corporation of Beaufort that they had compared word for word, and found a perfect agreement between the copy of an act passed by the Parliament of Paris, in 1689, and a copy of it printed in Beaufort this year, unless they had unquestionable proof that the copy said to have been printed at Paris was really an exact copy of the act?

Thus there is no proof for the alleged editions of Rome or of Cologne.

“Drelincourt and D'Aubigne prove that of Paris of 1520.” I must leave it to our readers to determine for themselves. I say neither of them does. Nor is there any proof for it. The Catholics every where denied it. D'Aubigne gives us by his commentator 1570. Bayle tells us it was a typographical error, probably for 1520. This edition is not proved.

“Banck proves that of Cologne in 1535.” If Banck's word be proof, we may believe that in 1651, that is, one hundred and sixteen years after that period, and eighty-seven years after Pinet's edition, he had a book purporting to have been printed then and there; I am not disposed to receive his word as evidence, and even if I were so disposed, his testimony comes a century too late.

“Drelincourt proves that of Paris, 1545.” Just as well as he proves that of 1520, which is not at all.

We have now a new witness and of portentous aspect: “1546 is the date of the Council of Trent, and the protest of the Protestant Princes: and in their protest they insert a copy of the tariff.” (This Bayle supposes to be the copy which Pinet followed, as “they agree precisely.”)

Sir, in cases of this description, accuracy of dates is very necessary, and however little it may be satisfactory to either of us, I must “consent to follow you into these sorts of criticism,” for though they do consume time, they do contribute every thing to truth: and though my occupations are such, as to leave me little time, and to expose me to perpetual distraction and successive interruptions, I must endeavor to get through your statement as well as I can.

In the present instance I was astonished at your inaccuracy. It is true that 1546 is the date of opening the Council of Trent, but it is not the date of the protest; nor do the princes insert a copy of the tariff in their protest. Bayle himself tells you they presented their grievances in the Assembly of Naumburg, where Pius IV. and Ferdinand, (then emperor) exhorted them to be present at the Council of Trent, by themselves or their deputies.

Pius IV. became Pope in 1559, that is, thirteen years after you say they made the protest against accepting his invitation. Though Charles V. abdicated in 1556, yet the princes of Germany not having accepted the abdication until 1558, Ferdinand was not until then received by them as emperor. Pope Paul IV. refused to recognise him, and Rome acknowledged him only after the accession of Pius IV. in the next year. In 1560, the Pope published on the iii. kal. December, (29th November,) the Bull for reassembling the council at Trent. A great number of the leading Protestants of Germany seeing a copy of the document, and having met at the marriage of the Duke of Lawwemburg, resolved to hold a Diet at Naumburg in Saxony on the 29th of January, 1561.

The Pope had sent two legates, Commendon, Bishop of Zante, and Delfino, Bishop of Pharo in Delmatia, into Germany to extend the invitation. After having seen the emperor, at his request, they went, accompanied by Otho, Count of Eberstein, Felix Bogislas, Baron Assenstein and William Meela, keeper of the seals of the kingdom of Bohemia, as ambassadors from the emperor, to request the princes who were to assemble at Naumburg, to attend the Council. Leaving Vienna on the 4th of January, they did not arrive at Naumburg until the 28th. They found the Protestant princes, with the exception of John Frederick, Duke of Saxe Weimar, assembled. After some delay the legates were coldly admitted to address the Diet on the 4th of February. The ambassadors of Frederick had been previously officially informed by the princes, as Fra Paolo states: That they thanked the emperor for his invitation: that the princes would not refuse to send representatives to a Council in which the word of God should be the judge, in which the bishops should be released from their oath of fidelity to the Pope, and in which Protestant divines should be entitled to vote: but that as the Pope admitted into his Council only bishops who had taken this oath, against which the princes had always protested, they believed it would be very difficult to accede to the emperor's re-

quest. They begged that this might be respectfully communicated to the emperor, but that they would defer a final answer until they would have communicated with their absent friends. The legates had left their briefs with the Diet, and they had not arrived at their lodgings more than a quarter of an hour when messengers from the assembly came to return the documents with the seals unbroken; stating that during the presence of the legates, the envelope had not been removed, but when it was, the princes found that the Pope addressed them as "his dear sons;" which relation they disclaimed, as also his right to call a Council. Fleury and Fra Paolo are here a little at variance: the first says, "in a quarter of an hour;" the latter says, "next day." Courayer corrects Fra Paolo in the next statement; that the Diet invited the legates to return for their answer, and agrees with Fleury, who informs us that on the 7th, the princes sent a deputation to inform them, that they recognized in the Pope no jurisdiction and had no need of giving him any explanations for not attending his Council. Fleury details the discourses between the legates and the commissioners, in which mention is made of much superstition and corruption, but not one word of the Tax book, at this period, fifteen years after the date which you assign, and three years before Pinet's edition appeared.

Now had you proved that at this period the German Protestant princes published an edition of the Tax book, what would be the consequence? You would have proved to me that my opinion of Pinet was incorrect, because you would have removed the imputation from him and fixed it upon the princes, who would then be chargeable with the fraud unless we had evidence not yet furnished that they copied it from an authentic document.

But, sir, you must be aware of another difficulty which you would have to remove. You would have to show the world that this assembly at Naumburg of Lutheran princes, with their counsellors and divines, should be relied upon as good witnesses of what was an authentic document of the Roman Chancery in, we will say, 1514, when they were incompetent to satisfy themselves which

of four copies of the confession of their own faith, differing from each other, was the authentic original, presented at Augsburgh, to Charles V. in 1530.

I quote Fra Paolo in preference to the other authors, except where I especially mention others, and you or any of my readers, can refer to his history of the Council of Trent to examine the truth of my statements, as the haste in which I write, and the other duties which press upon me, as well as the desire of brevity, prevent my making special and precise extracts. Upon the crowning of Maximillian at Frankfort, on the 30th November, 1562, the Protestant princes presented in a body the reasons why they called for what they styled a free Council, and the conditions which they required, and upon which they would consent to attend. They were, 1st. That it should be held in Germany. 2d. That it should not be called by the Pope. 3d. That he should not preside, but have his place like other members, and be subject to its decree. 4th. That the bishops and other prelates should be free from their oaths. 5th. That the holy scripture, without any human authority, should be the judge of this assembly. 6th. That the theologians of the confession of Augsburgh, should not only have the right of debate, but of deliberation and vote; and that they should have safeguard for their person and the exercise of their religion. 7th. That the decisions of the Council should not be made as in lay-assemblies by the majority of votes, but by the better opinions, though of the minority—that is, the most conformable to the word of God. 8th. That all which had been hitherto done at Trent, should be regarded as null and void; this assembly having been partial, celebrated only by one of the parties, and not conducted as had been promised. 9th. That if the Council could not terminate the religious differences, there should be an inviolable adherence to the conditions agreed upon at Passau, and the religious peace established at Augsburgh in 1555, and that all should be obliged to its observance; and 10th. That for all the above conditions a full and complete guaranty should be given.

Fleury, year 1562, Liv. CLXII. N. 54, gives from Spönde, the reasons upon which this protest was founded. The sixth charges Rome with vices and crimes, and, therefore, she ought not to be allowed a judicial place. The seventh charges Rome with simony and the sale of every thing sacred. Thus, though the charges which had been repeated from the beginning, were again brought forward, we have no mention of a tax book in this act of theirs.

The ambassadors of the Emperor urge upon the Council a variety of topics to meet his wishes for their conciliation—the discourses and memoirs are found in the acts of the Council by Labbe, and in a collection of the authentic documents of the Council, in 7 vol. 4to. which have been placed in the library of the Seminary by the Hon. H. S. LEGARE, and in no one of these is there any allusion to their having mentioned *the book*, though they exhibit their declarations and protests against the venality and Simony of Rome.

Bayle informs us that at Frankfort they appointed divines and political counsellors to draw up a book to justify their acts, their protest and their refusal to attend. Fleury informs us that this book was subsequently printed at Frankfort. The committee was not appointed until the end of 1562, or the beginning of 1563; and at this period, we have no evidence of the existence of an edition of the "Tax book"—nor of the "Statute of the Chancery." Now, even if this book, drawn up by the Committee, should contain either the copy of an edition of the tax book, or items of the tax, it would be no evidence that the protest of the princes contained either, because the book was not the protest, but was, as Bayle calls it, "a book in which these grievances were *enlarged*, explained and defended." Bayle informs us that Tuppiss translated into Latin, a German book, which the princes of the Augsburgh confession had composed, in order to justify themselves for not submitting to the Council of Trent. The epistle dedicatory of this Latin version, is dated at Strasbourg, March 31, 1565—that is, more than a year after Pinet's edition had been published at Lyons,

and we have no evidence to show that the German had been as yet printed, for he is stated to have translated, not a book "published," but a book "composed."

And though reference is had to the authorities upon which its statements rest, as will be seen in Tuppian's advertisement, "Scripture, writings of the Fathers, the Commentaries of school Divines, Canonists and other writers"—not one word is said of a copy of the "Chancery Tax book," though it would have been the most important document of all. The following is the translation of the advertisement—afterwards the title.

"These grievances in defence of the pure and orthodox religion were first proposed in the Assembly of the Princes at Naumburg, then repeated and offered to the Emperor in the public Diet of the Empire, held at Frankfort for the election and coronation of the king of the Romans; and at last, at the command of some of the states of the empire, are illustrated by several divines and political counsellors appointed for that purpose, with a fuller explanation of each head, from the testimonies of scripture, the writings of the fathers, the commentaries of school divines, canonists and other writers, collected long ago to that end with singular diligence, and contained in this book, which may be continued down to posterity as a monument of the zeal of these states for religion and the republic."

TITLE OF THE BOOK.

"The grievances opposed to the restoration and continuation of the council of Trent, appointed by Pope Pius IV. in 1562, and to the decrees of the said council; in which grievances are represented the necessary and weighty reasons why the electors, princes and states of the Empire, who embrace the Augsburg confession, would neither own nor be present at that council."

Bayle himself complains of one charge against Leo X. for which no authority is cited, and remarks: "It is a little strange that no authority should be cited for it, and that in a book of this nature facts should be advanced, which are known only from vague reports."

He tells us that—"The observations on the tax of the Apostolical chamber has not been spared, and are concluded with a long detail of the articles of that tax." Bayle does not, however, refer for them to the edition of 1565,—if an edition appeared even so early, which I much doubt, but to pages 79 and 89 of the edition of 1597; that is thirty-three years after Pinet's work was published.

Bayle does not say that it quotes any edition or purports to be a copy of any edition of the Tax book, but he says, "This detail *might pass for an edition* of the *Taxæ Sacræ Penitentiariæ*, and it is upon this foot Hunnius gives it by inserting it in the preface to his book *Indulgentiis*, printed at Frankfort in 1599, in 8vo."

After this, you will not expect me to admit the truth of your statement:—"1546 is the date of the council of Trent and of the protest of the princes, and in it they inserted a copy of the 'Tariff.'" Now, as the first *proved* notice of the articles we have, was published in 1597, it is much more natural to suppose that the publishers copied the edition of Pinet published thirty-three years previously, than that the said Lord of Norroy copied what was published thirty-three years after he wrote!

Bayle himself admits that it was not "a copy of the Tariff," as you call it, when he writes this detail *might pass* for a copy of the *Taxæ Sacræ Penitentiariæ*.

Bayle says "I had conjectured that Du Pinet had followed the edition inserted in the book of the Protestant princes of Germany. This conjecture is well founded, as I have verified since." We shall see the grounds of that conjecture.

In his article on Banck, after quoting an extract from Pinet, he observes: "I imagine that Du Pinet followed the edition which the Protestant princes caused to be inserted in their causes for rejecting the Council of Trent, and which is entitled *Taxæ Sacræ Penitentiariæ*. We have before seen that instead of calling it "an edition," he tells us that it was a detail which "*might pass for an edition*," and he next refers us to Heiddegar who was not born until 1633, showing that he gave some extracts from

the Frankfort detail which are exactly like the work of Pinet, as if it were difficult to find a similarity between what was framed in 1564 and could have been copied from it and published in 1597, or in 1565 if you prefer it. And next he tells us that some persons observe that "the *epitome* of the tax of the Chancery is to be found in p. 603" of another work explaining the reasons of the Protestant princes. I have no doubt of it—but what does it prove? Or if he brought fifty others, such epitomes are no proof of an edition previous to Pinet's; Bayle gives us no other reason for his assertion that Pinet copied the edition alleged to have been given by the princes, and in these statements we find only an agreement—but no evidence of this addition to the protest of the Protestant princes having existed until after 1664. But suppose that against all that I have adduced they did both appear in 1664. Frankfort and Lyons were not so distant, nor Pinet and the committee such strangers as not to have been capable of acting in concert, and then they must share the disgrace between them; or even if you had proved that their publication preceded his, you would only have transferred the whole burthen from his shoulders to theirs, and I should have called them, not him the fabricators. Theirs is said to be the tax of the Penitentiary, his of the Chancery—his was published early in 1664. We have no evidence of the tariff upon the book of their committee previous to 1597—which is fifty-six years later than the date you gave. Now, sir, I have done with the Protestant princes. You have no proof from them to save the Lord of Norroy.

As to Banck's proving an edition of Wirtemberg, in 1558, I apprehend you have been misled by my mistake, which I corrected in my last letter. He has proved no such edition.

I come now to your last witness.

"About 1555, Claude D'Espence flourished, and he admits the Tax book as existing *for some considerable time.*" You previously describe him as a "most distinguished Roman Catholic, whose piety and magnanimity, must command the admiration of all." His testimony

consists of two portions, one of which bears directly upon this case, viz. "There is a *printed* book, which has been publicly sold for a considerable time, entitled 'the taxes of the Apostolic Chancery,' from which a man may learn more enormities and crimes, than from all the books of, &c. &c. And of these crimes, there are some which persons may have the liberty to commit for money, while absolution from all of them may be bought. I refrain from repeating the words, which are enough to strike one with horror." The only portion preceding this, describes a number of shameful dispensations for money. My present business is with the passage regarding the book: and the first question is whether it was written previous Pinet's publication in 1564. D'Espence went to Rome in 1555, and remained there for some time, much respected, and declined the offer of a cardinalship, which would not have been made had he then been the author of a book, which was thought worthy of censure, and fit as such, to be placed on the Index. The offer was made by Paul IV. before the year 1559. He appeared to advantage in 1560, in the meeting of the states at Orleans. In the next year he was at the conference of Poissy on the part of the Catholics, to manage the conference with the Protestants, and went as far as he could for their accommodation, though he did not trench upon the Catholic faith, and for ten years subsequently he does not appear to have been employed. I believe that you will find the work from which you make the quotation, was written not long previous to his death, and upwards of six years after Pinet's book was printed and publicly sold, for a considerable time—and it was placed on the Index, not the original list made by order of Pope Pius IV. and completed in 1564, and upon which it would have been placed had it then been published, but upon the appendix under Sixtus V. between 1585 and 1590, and which may be seen at the library of the Seminary of this city in the following words:

Claudii Espenæi Commentaria, de continentia et in Epistolam ad Titum, with this mollifying addition, nisi

corrigantur. My authorities are Bossuet, Feller, Aiken and the Index.

The only result that would follow from your establishing that this work was published in 1555, would be to save Pinet and to throw the disgrace of the fabrication on another—but it would not have proved your statute, nor of course sustained the allegation of the memorial.

As I have no more of the quotation than what you are pleased to furnish, I may be allowed to remark that your two &c. &c. come in a very awkward part of the quotation. I found that one &c., even in your own hands, made for myself not exactly what I said, and a pair of them in the middle of such a quotation, carry some suspicious appearance. I have some indistinct recollection of this passage, but I shall not venture to make any observations founded on such an imperfect ground, because my memory is not so faithful as to enable me to publish here an exact copy of what I perhaps got a sight from the lecturer of some college in Rome.

I have now gone through the array which you produced to save the historian of the prince of Tric, perhaps at the expense of other princes, and must leave it to our readers to decide for themselves upon what we have both laid before them.

I have several other and indispensable duties to which I must attend. I must, therefore, request a day's indulgence, and for which, of course, I should dread to offer you even the fee of the Tax book, as I would not desire to shock or insult you. I shall endeavor, after that which I expect from your kindness, to make my disposition of what remains of your letter.

I have the honor to be, Rev. sir,

Your obedient and humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, S. C. Sept. 2, 1839.

From the *Courier* of Sept. 5, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—In searching for authorities to sustain, by more than my own assertion, the distinction between the Chancery and the Datary and the Penitentiary, I have met with the passage of D'Espence, which I thought I had seen more than once before, and am able to fill up the &c. &c. I there find that the words for which they were substituted do not change the nature of the quotation,—nor do they weaken my argument, as I trust I shall show, when I shall proceed to exhibit that there were great abuses and corruptions in the proclaiming of indulgences, and in the granting of dispensations, and absolving from penalties, (not from sins,) and that the great efforts of the church had been directed, previous to what you call the reformation, to the remedy of these crying evils. I have also searched for and found the original decree of Pope John XXII. establishing the rule for taxation in 1320, and the true title of the Roman edition of Silber's Tax book in 1514. All which are at the service of any person who wishes to come and read or copy them.

I now proceed to your effort to show that the Chancery was the proper court for enacting "a statute making assassination, and murder and prostitution, and every crime subjects of license and taxation, and regulating the price at which each might be committed." I pass over your general remarks. You say that you show by my own admission, "that the Chancery is the tribunal from which alone the taxes could have issued."

I stated, you say, that one of its present duties was "absolution from ecclesiastical censures, viz: excommunication, suspension, &c.:" but "not from sins." I did; and for our present purpose it is unnecessary to enter into proof that in this respect its duty is ministerial, not judicial. My words were that it "had cognizance of the causes"—but the phrase as applied to the Roman

Court, has not the same meaning as it has in our courts, where having cognizance of a cause means having jurisdiction and judicial authority. In Rome, it means receiving the petition or appeal, examining its merits, preparing a brief of its nature, reporting it, together with its merits to the Pope, receiving his decision, recording it, and giving a certificate, or other document thereof in the proper form to the party: and the different nature of the courts, creates necessarily this distinction. It would be an idle exhibition of Roman jurists and canonists for me to spread out references to prove this. I shall, however, place the books in the hands of any one who questions the truth of my statement. You next proceed to say what I admit, that an "*indulgence is not a license to commit sin, neither is it a mode of regulating the price at which sin might be committed, nor is it absolution from a sin already committed.*" Hence, you conclude, that indulgences come not within the jurisdiction of the Penitentiary, but of the Chancery. Sir, they come within the jurisdiction of neither one nor the other, and your conclusion is bad, because your enumeration is imperfect; there are other tribunals besides those of the Penitentiary and the Chancery, and they belong to one of those others. You cannot forget that I told you of *a dozen or two dodging places*; I acknowledge that I am shut out of the Penitentiary, but you have not got me into the Chancery, because I have got *the other dodging places* open to me.

Now, the remainder of your argument has no hold on me, for it proceeds upon the assumption of what I have never admitted, but what I shall now examine. Your effort is to identify an indulgence with an absolution from excommunication: and that as absolution from excommunication was an attribute of the Chancery, of course an indulgence was within the jurisdiction of this tribunal. You must recollect, sir, that I always denied that an indulgence was "a statute, making assassination, and murder, and prostitution and every crime, subjects of license and taxation, and regulating the price at which each might be committed." So that if you should even prove

that indulgences come within the jurisdiction of the Chancery, you would not have proved your case.

You quote Mosheim to show that indulgences in their origin, were nothing more than a remission "of the temporal consequences of sin." To a certain extent I not only admit that they were so in their origin, but that they never were or could be more. Such sir, is now, and always has been the doctrine of the Roman Catholic Church. You attempt to restrict these temporal consequences of sin to "suspension and excommunication from the church." Here is the point of our difference. You quote Faber to sustain you: "Faber correctly says that they were only at first 'a shortening of the period of excommunication.'" This I do not admit; and Faber is not authority for me. But this is not the place to discuss the merits of this question. All that is necessary to overturn your assumption, is to show that in Rome an indulgence was considered to be a very different matter from an absolution from excommunication, and therefore that the granting of the latter was not bestowing the former. This is shown by the notorious fact, that is, notorious to any person at all acquainted with our doctrine and practice, viz: "That a person under excommunication is incapable of receiving an indulgence." You will find this in every Catholic treatise on either indulgences or censures. St. Thomas of Aquin, born in 1227, one of our best Doctors, writes, (4ta. dist. 20, quæst. 1, arct. 5, quæstiunel 2.) "*nec pœnas, quæ in foro externo et contentioso sive Ecclesiastica, sive seculari infliguntur, indulgentia tollere possit.*" "Nor can an indulgence remove the penalties which are inflicted in the external and contentious court, whether ecclesiastical or secular." Now, excommunication, suspensions and the like, are penalties inflicted in the external ecclesiastical court—and they cannot be removed by the grant of an indulgence: evidently, therefore, it was the doctrine of the Church to which St. Thomas belonged six hundred years ago, as it is to-day, that an indulgence was not an absolution from excommunication, nor a shortening of a period of excommunication. And Cardinal Bellarmine who was

born in 1542 and died in 1621, gives us additional reason, (De Indulg. Lib. 1, Cap. vii. Prop. 3,) where he tells us that all writers agree on this, "because the penalties of the external court are inflicted for the good of the commonweal, that the wicked may be deterred from their sins, and that good men may enjoy security. Moreover, indulgences are granted only to penitents and persons reconciled to God; but these penalties of the external court are inflicted chiefly on the obstinate and rebels. Finally, indulgences, as has been said, take the place of penitential satisfaction; wherefore they do not remove any other penalty than that which we owe in the secret and penitential tribunal." *Sequidem pœnæ fori externi propter beneficium, Reipublicæ infliguntur, &c.*

Thus, sir, it is not true that "both the history of indulgences and my admission, show the Chancery to have been the proper bureau for a tariff regulating the prices of indulgences." And, though you should have proved even that, it would not have sanctioned the original assertion, for it would still remain to be shown that this tribunal "passed a statute making assassinations and murder and prostitution, and every crime, subjects for license and taxation, regulating the price at which each might be committed." And again, I must remark that you would have failed in showing it to be a *license*, for excommunication or any other censure cannot be incurred until after the crime for which it is a penalty shall have been committed, and absolution is given to remove a penalty which has been incurred; and it would be rather strange to find a man applying to day for a license to commit a crime last week. I have seen a foreigner who could not be blamed for not knowing our language, laughed at, for asking a companion—"Will you ride out with me yesterday?"—and quite unconscious of their mirth, he continued to-morrow was a very pleasant day." Sir, you make a mistake in imagining that the Popes and bishops taught that indulgences *remitted sins*, though you are quite right in stating that indulgences were abused. The phrase which you and others thus misunderstand is a technical one in the Roman court, and I acknowledge

is very liable to misinterpretation, and I always considered it, as I still do, to be on that ground very objectionable. To the ordinary reader it seems to convey the meaning of remitting sin: in technical parlance it means only to remit those temporal consequences of sin, which we believe to be removable by an indulgence.

I mean nothing offensive to you in illustrating the expression by another, which you very distinctly understand. I recollect, at an early period of my life, in the year 1798, the part of Ireland in which I then lived was subject to military rule. All criminal cases, be the offences what they may, were tried by the officers of a court martial, but in all cases, except offences against military law, and acts of rebellion, they were directed in their sentences, to conform to the criminal code. Some unfortunate robbers were tried, convicted, and sentenced to be hanged. Moved by the fear of death they desired the assistance of a clergyman; but when he went to the prison he was refused admittance, and upon demanding the cause, he was told that such were the express orders of the court. The Bishop, at the request of the priest, waited upon the president of the court, a brave, generous and noble hearted Colonel of the line, who received him courteously, and upon learning the cause of his visit, shed tears and said that he was greatly afflicted himself at what he could not but consider unnecessary cruelty; but that he had no choice, and he was very sorry for it, the statute positively and too plainly declared in so many words, that they must suffer death *without the benefit of clergy*. He had looked through the book in vain, with the aid of other officers, to try whether their case might not be brought within that class in which benefit of clergy could be allowed, but alas! their search was fruitless: the more closely they searched, the more were they convinced that a priest could not be admitted. He was, however, quite relieved, when assured by a respectable lawyer, that it was a technical phrase, whose meaning really was not what it at first seemed to be. I assure you, sir, in sincerity, in honor, in good faith, and as I shall answer to God for the assertion, that the phrase which seems to

imply *remission of sins* in our documents respecting indulgences, is a technical one like that of *the benefit of clergy*: and with us it has not the meaning that you were led to believe—of that, however, more hereafter.

I should hope, sir, that you have now some doubts that your demonstration was mathematical. Now, sir, that you should not suppose this to be a mere assertion of mine, and I have before assured you that with us an Indulgence is not a remission of sin, I refer you to Bellarmine, (Cap. III. De Indulg. Lib. ii, Cap. iii,) where he is answering a passage from No. 39, ch. 9 of Calvin's Institutes.—“Porro indulgentiæ non remittunt culpam, neque lethalem neque venialem, sed solam pœnam eamque temporariam.” “Moreover indulgences do not remit guilt, either deadly or venial, but only the penalty and that temporary.” This, however, is straying from the true question, which is the enactment of the statute by the Roman Chancery.

To keep me still in Chancery, however, you object to the account I gave of the case of Parrhasius. You confound a dispensation with an indulgence. My acquaintance is extensive with Protestants both on the other side of the Atlantic and on this. Many of them are to me dear and kind friends from whom I have received valuable favors. I have frequently held friendly conversations with them upon the subject of religion, and I have read, as a matter of duty, rather extensively, the writings of Protestants on the subject of religion. I assure you, sir, that I scarcely recollect at this moment three who I believed knew what was with us an indulgence, and the difference between it and a dispensation. I trust I shall have an opportunity of explaining it—but this is not its place.

The case of Parrhasius has nothing whatever to do with an indulgence: it was altogether a case of dispensation, and as we call it in *foro externo* or the external court—that is in ecclesiastical matters disciplinary regulation—you translate the French word *dispense*, which is also technical, “indulgence,”—the proper technical French word for which is *indulgence*. Bayle's transla-

tors give the accurate and proper word "dispensation." Upon this ambiguity you try to carry the case to Chancery as a case of indulgence which you also have incorrectly imagined to be a Chancery business. In his own Latin, Parrhasius uses the proper technical word for "a rehabilitation."

You tell me "it was not so" when I stated that it was a case of "rehabilitation for two clandestine marriages." To a certain extent you are right, for although there were *two* clandestine marriages, Parrhasius only asked for the rehabilitation of *one*, and you call that one "a *secret* marriage." You say "it was not so; it was a case of incest committed by a niece of Parrhasius, of which the guilty couple endeavored to escape the punishment by a secret marriage. That, however, could not shelter them without the Pope's indulgence." You give the French word *dispense*, Bayle's translators give us, "this was not sufficient to free them from danger unless the Pope would grant them a *dispensation*." I can scarcely think that you have read Bayle's statement, and that of Parrhasius himself when I look at your mode of treating it, or I must believe that you are altogether unacquainted with the discipline of the Roman Catholic Church, and the laws of Europe.

The case was originally one of incest. A niece of Parrhasius had been married to a lawyer, she died. The widower had criminal communication with a surviving sister: by the laws of the land, they were liable to death, for the crime was a capital offence. Her pregnancy would lead to detection. In this state of things the guilty pair attempted what you call a "*secret* marriage," what the translator of Bayle calls a "*clandestine* marriage." What is the difference? Were they validly married, they could plead the marriage in answer to the capital charge. If there was no marriage there was no defence, and they were liable to death. The clandestine marriage was no marriage because they were incapacitated by law from making a valid contract, by reason of their affinity.

The Pope had the power of dispensing from the operation of the law, and thus enabling the parties to make a contract; that is, in technical language, to rehabilitate the clandestine marriage—and this being done they could plead the marriage to bar the prosecution.

Now, the request of Parrhasius was to get this dispensation, and in his petition, he requested that a penal fine should be imposed upon the delinquents, and that a dispensation should be granted. The Datary was the proper tribunal for examining the application for dispensing in cases of marriage impediments and returning the answers: whenever a fine was imposed, it was there determined what should be the amount. The business of the Chancery was to examine the grant, to rectify, to register and to engross the papers; and the fees therein received were a fixed compensation for the trouble, the time, and the labor, proportioned to the quantity of writing, and not to the nature of the business.

Parrhasius, after giving the history of their crime and their danger, goes on—"Nisi Deus aliquis eos aspexerit; id est a summo Pontifice veniam incestûs in scriptis impetraverint: ut furtivum dedecus professo matrimonio diluatur. Ad hanc rem velim omnes ingenii tui nervos intendas, utarisque gratia ac auctoritate Lascaris, Phædri, Citrariique et Omnium denique amicorum: ut exleges has nuptias, ad evitandum paratæ cædis periculum, Pontifex privilegio, justas ratasque faciat, indicta pro copiarum facultate mulcta." Unless some God will look with pity on them: that is, that they shall obtain in writing from the Supreme Pontiff, pardon for the incest, (had he stopped here, you would have been correct, but what follows shews the mode in which it was to be effected,) that this clandestine disgrace may be washed out by an open marriage. For this object I desire that you would exert your best powers of mind, and that you would use the favor and power of Lascar, of Phædrus and of Citharus, and finally of all friends; that in order to escape the danger of the enacted death, the Pontiff would by a privilege, (that is a dispensation or derogation from the general law make for the parties a *privata lex*, or special law

or privilege) *make this marriage good and valid, inflicting a fine according to the means.*" He then complains of his difficulties and urges that the fine should be as low as possible.

Thus, sir, I apprehend, it was a case of matrimonial dispensation, removing the impediment of affinity, so that a clandestine marriage should be rehabilitated, and thereby incidentally the parties might be saved from the consequences of incest,—Not by granting them license to commit it, nor by granting them pardon of the sin, but saving them from criminal conviction in court of law and from the penalty of death. The tribunal of the Datary, which had charge of those dispensations, regulated the amount of the fine. The officers of the Chancery prepared the papers, registered them, gave the proper documents, and demanded the fees they were entitled to, for their labor, according to their fee bill or tax book. Parrhasius obtained the dispensation, and was told to bring the amount of the fine with him, when he came to Rome. All this might have been a wicked transaction. I neither defend or condemn it, but I did assert that the case was one for the rehabilitation of a clandestine marriage—(I wrote *two* by mistake, as two were mentioned, though only one dispensation was sought, the other marriage not having been invalid, though unfortunate)—and I wrote that it was not a case for the Chancery, but for the Datary, and in so stating, every one who knows any thing of the tribunals will say that I was correct. If I do not mistake, even the fine was remitted.

But even if the case were different, and that the petition was to grant a remission of the penalty of death, enacted by the Sovereign as the punishment of incest, it would have been a case for the Datary; as this was the proper tribunal for the management of such cases. It would be similar to an application to the Governor of a State to commute a sentence from that of death to fine; and this was not to be done by the Pope as head of the church, but as sovereign of the territory. But it was impossible that such a commutation could take place outside the Papal dominions, for he had no sovereignty

elsewhere, and as this case occurred without the Papal territory, it was not an application for pardon of the penalty, but for that rehabilitation which would raise the bar to the prosecution. You are then, sir, under the most manifest mistake when you assert, "Hence, then, we find the Datary concerned, not with 'rehabilitation,' but with an indulgence for incest, which you say belongs to the Penitentiary. (I said no such thing. It would save much time and trouble not to be making for me assertions which I never made.) Here the Datary grants the indulgence, (no, sir, it was not an indulgence) and the Datary and Chancery were, you will not deny, the same Court." I am obliged to deny it, for truth would not permit me to assert it. You quote Furstiere to sustain you, by referring to the article 'Datarie,' in his Universal Dictionary. I have not consulted it, nor do I know what he says, because I have higher and better authority in the Jurists, whose works you may consult. I point out no one, as they will all sustain my assertion. I also know it from the officers of the court from whom I received information, when I had occasion to learn from themselves the distinction of the tribunals. The French Academy, you must be aware, also expelled your author from their Society, in 1685, on account of his dictionary; and you also know, I suppose, that Bosnage had made some additions for the Amsterdam edition of 1725, in 4 vols. folio. I now leave to our readers whether "this is conclusive evidence that the argument drawn from the nature of the court is against me."

You add that the Abbe Richard settles this point conclusively; and in adducing him you say, "he admits that the taxes existed in Rome, and that they began under John XXII. (the very Pope who I say regulated the courts,) in 1320." Sir, I never denied that there existed taxes or fees to be paid to the officers of the Chancery for their labor, their time, and their proper compensation for inspecting, correcting, copying, registering and delivering documents. I not only admitted this, but I said that in many instances "it has frequently happened that their exactions were oppressive and extravagant, and a

tax book of fees was therefore regulated by authority; and any officer demanding or receiving a larger fee than that specified in the Tax book incurred censures himself and was fined heavily." Richard says the taxes began in 1320. I say they existed previously—for John XXII. in his decree respecting them recites, that, to prevent complaints, he sees proper to regulate the fees or taxes. It is found in the *Corpus Juris Canonici*, Extrav. Joann. XXII. Tit. xiii.—Cum ad Sacrosanctæ. This, then, is but a regulation of what previously existed. I shall make a few extracts: but I shall be happy to show the book to any who may call to see it.

"Ne murmurandi inde præbeatur occasio unde gratitudine necessitas aderat collaudandi: neve scriptura redderet onustum quod liberalitas fecerat gratiosum. Quade re circa literarum nostrarum scripturas, registri quoque nostri, necnon abbreviatorum Rom. curiæ nostræ, illam in taxando volumus moderationem opponi, qua personæ quibus gratia hujusmodi conceduntur, se gratias ipsa apostolica sede liberaliter sentiant consecutas ac literarum ipsarum scriptoribus registri etiam nostri notarumque abbreviatoribus ant edictis, qui interdum in eis etiam multo labore desudant, de suo labore satisfiat. Ad tollendum igitur excessus, difficultates, circuitus et anfractus qui passent ex variis literarum Apostolicarum taxationibus prevenire, sancimus." "Lest occasion for murmuring should be given where the necessity of approbation and praise arose from gratitude; and lest writing should render burthensome what liberality had rendered gracious:—Wherefore we desire that there should be such moderation in taxing, in respect to the writing of our letters, as also of our register, and of the abbreviations of our Roman Court, as to cause that the persons to whom such favours are granted, should feel that they have liberally received favors from the Apostolic See, and also that sufficient recompense is given to the writers of those letters, also to the writers of our register, and to the aforesaid abbreviators of the notes, who sometimes are exhausted with great labor therein. To remove, therefore, the excesses, difficulties, circumventions, and teaz-

ings which may arise from the various taxings of the Apostolic letters: We do enact."

After this it proceeds to regulate certain fees for documents therein described and then lays down the principle upon which the fee may or may not be increased, viz: It is not to be increased by reason of the greater concession of favor, the larger income of the person who obtains the writing, but only in consideration of the greater quantity of writing, and that the additions must be moderate, fractions of lines are not to be charged, the price of each additional line is specified, each line must contain 120 letters, or XXV. words. It regulates that for poor persons the fees shall be reduced considerably; giving as a cause that verse of the Psalmist: "Blessed is he who understandeth concerning the needy and the poor." It provides for the difference of coins between Italy and the nations beyond the Alps. It provides for the cases of negligences or carelessness on the part of the officers, that there shall be no new or additional charge for making a good and perfect copy where a bad or imperfect one has been made, and it enacts penalties for any exaction. This is the Tax book of which Abbe Richard writes. You may examine it, sir. It is open to you, to your friends and the public. You may take copies and publish them. Neither you nor any other gentleman of common sense will, after having read it, conclude that the Abbe Richard, by this, proves that the argument from the nature of the court is conclusively against me. You would sir, yourself, retract the assertion, had you read this genuine Tax book. I am quite aware that some Catholics have complained of this tariff, upon the principle that it was wrong to make any charge for what was connected with religion. I give no opinion on the subject, but merely remark that some mode should be devised for supporting clerks and other officers. They must have food and raiment.

As to your next topic, I am content to leave what I wrote concerning Luther and Calvin, and their associates and followers, and what you have written against that argument, before our readers—with only one or two re-

marks. I had observations to make upon your negative pregnant, but I feel that they are unnecessary and that I have been driven into great length. As to the book being known to them because it was known to the Princes: you must feel now at least that until your premises shall have been established, your conclusion cannot be drawn: and though Calvin lived until 1564, Luther died in 1546, the year in which you stated the protest of the Princes to have been drawn, but which I am certain you would not now give as its date. Thus Luther was dead sixteen years before the protest was drawn up, and Calvin died the year before the book of Tuppiss was printed, and thirty three years before the publication of that edition in which Bayle informs us, the passages which *might pass* for an edition of the Tax book were found.

I shall show you that long previous to the reformation "indignation and surprise were felt at the traffic," against which you so justly inveigh, and that they who expressed both were neither obscure nor inactive. The document from which I have given an extract, was in force nearly two hundred years previous to the first efforts of Luther. You overlook dates again when you write: "The tariff would have appeared no evil in those days. It was merciful in comparison with the gross and unbridled profligacy of avarice which Luther and Calvin saw every where around them, and which caused them to leave a church which practiced such things." You have told us of the existence of this Tariff in Silber's Roman edition of 1514, and in the Cologne edition of 1515, and the date of Luther's complaints is 1517, and that of Calvin's birth was 1509, so that this act of mercy had been done, at least, before he was five years of age.

One word as to the argument founded by Bayle and which you seem to adopt. Upon the mode of entry upon the Index. *Cum sit depravata ab Hæreticis*, what were the facts? There had long existed a genuine fee bill, or Tax book, by which the compensation of the clerks, the registers, the abbreviators was settled, so that they should be remunerated for their labor and the devotion of their time. Like the officers of our courts or offices, this was

their occupation, and for this they deserved a support to be derived from some source. It was thought reasonable as our legislature thinks of our ordinaries, our sheriffs our registers of mesne conveyance and their clerks, that they should be supported by those for whom they did service, and to prevent extortions, a fee bill or Tax book was enacted, not by the Chancery, but by the legislature. This book was printed and was not censured, though many Catholics complained that it had a bad appearance and that no fees should be charged, but that some other mode of compensating the officers should be devised, and that the individual getting papers should not be charged. An unfortunate religious division takes place and some of that portion opposed to Rome, interpolate this book and introduce fabricated and disgraceful clauses. This is discovered, and surely it was not the original Tax book, that was to be condemned and denounced, but those copies which had been interpolated, and into which the forgeries had been introduced. Hence the proper and only correct phrase was used, for whilst it denounces the depraved copies, it leaves untouched those which are authentic.

I did hope, I should have been able to conclude my reply to your letter this day. Something, however, still remains, though not requiring a great deal of observation. I shall give my remarks in as few words as I can and exhibit to you what I acknowledge to have been abuses.

I have the honor to remain, Rev. sir,

Your obedient humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, (S. C.) Sept. 4, 1839.

From the *Courier* of Sept. 6, 1839.

To the REV. RICHARD FULLER, *Beaufort*:

REV. SIR,—In order to explain one of the contradictions which I charged on Bayle, you tell me that where I mentioned “rich” and “poor,” nothing of the kind was said in the original; it only mentions “they who have no money,”—I really thought that they were poor; and I thought that they who were able to pay the Datarary were, when compared to them, rich. Now, I did not write that “the poor were not to receive the *indulgences*,” as you give it,—but “not to receive the comfort of these dispensations,” and the passage which you gave from Saurin, was “take notice particularly, that such graces and *dispensations* are not granted to the poor: for not having wherewithal to pay, they cannot be comforted”—(lett. of Aug. 13,) and these are the exact words in Bayle, with this addition, that after the word *particularly* which he gives in Italics, he says in a parenthesis, (and indeed the thing deserves it.) This is my error, notwithstanding I kept closer to the text than you did, for in ecclesiastical language a *dispensation* is not an indulgence.

To get rid of the other charge which I made, you refer to the original to correct my quotations. You stated that D'Aubigne says there were “Catholics who wished not to ‘suppress,’ but to ‘extirpate’ (extirper) altogether this damning book.” I before told you that I used the book in the Charleston Library, and you must blame that, not me, for the word “suppress.” I copied from that Protestant translation. I am also content that your observations on my remark concerning the variance of titles and of coins, should have their full weight.

You tell me that I “rest my whole case on proving Pinet’s work to have been a deliberate forgery;”—not so, sir. I have all through stated that it was *my opinion* that he was the original fabricator, but that in this I may be mistaken. At this moment such is still *my opinion*. Should I even have erred in charging it upon him, rather

than upon the Protestant princes or some other ingenious and industrious friends, the ground upon which the case rests will be untouched, viz: the testimony of the tribunal publicly and openly made in the face of the world as soon as the interpolations appeared, that they were *depravata*; the absence of all evidence that such items were in any authentic copy, the denial of the Catholics every where; and I can, should it be required, add to this, that whilst in councils, and from kingdoms and states in the Catholic communion, complaints were made of all sorts of abuses and enormities—no mention or allusion is made in any one of them to such items being upon this book, though they complain of extravagant fees, and of dispensations which in their result were considered to be equivalent to a license to continue in crime, and called for their reformation. I could add the manifest impossibility of continuing the civilization of Europe, if such a practice had been permitted, and the folly of imagining that the common sense of Christendom would have allowed its existence for one month. Dr. Lingard observes upon it as follows: (page 113 Tracts.)

“Mr. Mesurier has a third and still more powerful argument in reserve. He hopes to silence his adversary by the testimony of a book which has long been the pride of the bigot and the polemic: has often reddened with shame the cheek of the most obdurate papist, and, what is still of more utility to mankind, has furnished the learned, pious, and visionary Mr. Granville Sharp, with a key to unlock to astonished mortals, the secrets contained in the book of Revelations. This book, so pregnant with important consequences, is the *Liber Taxæ Cancellariæ Romanæ*, or a tariff of the prices at which sins may be redeemed in the Roman Chancery, the great custom-house of human guilt. If the reader will be at the trouble to peruse the different articles of this valuable code, he will at least acknowledge that the Pope is extremely moderate in his demands, and wonder that his holiness has not employed a British financier to improve the receipts of his treasury. In England, you cannot

obtain a license to keep a setting dog, without paying a tax of ten shillings; at Rome, it seems, a man may murder his father, and enjoy the estate, for the payment of the same duty. Here one-and-twenty shillings are demanded for permission to powder your hair once in twelve months; there, for an equal sum, you may keep a mistress, without endangering your salvation. However, should Mr. Le Mesurier and his friend, stray as far as Rome, I would not have them rely with too much confidence on the *Liber Taxæ Cancellariæ*; they might find themselves in the same unpleasant situation as the Roman nobleman, mentioned by O'Leary, who, when he was accused of having three wives living at the same time, attempted to justify his conduct by observing that he had not been able to meet with one with whom he could be happy;—'Since it is so difficult,' replied the pontiff, Sixtus Quintus, 'to please you in this world, you shall go and try your fortune in the other; there, women are more numerous, and you may find one to your liking.' The *Taxæ Romanæ Cancellariæ* could not save him; he was tried for polygamy and executed."

You meet my statement respecting the decadence of its fame in Europe, by mentioning that Robertson is a book of education, and that it is still found upon his pages. So it will and ought to be found, as long as his book shall be printed. You say Schlegel quotes D'Espence in a note appended to a new edition of Mosheim. I have already shown cause, as I think, why D'Espence's reference could as well have been made to Pinet's edition as to the uncorrupted Tax book, which some writers conjecture to have been the object of his most harsh and undeserved remarks: to these you add Bishop Watson, in whose Theological treatise its genuineness is sustained, and the Protestants reprinted it in Paris in 1820. Now, all this notwithstanding, I must say that, in my younger days, extracts from it were in one or two of the common books of every school where I received my education, from the moment I learned my letters until I went to college: and these schools were not exceptions to the great bulk of those in the country. Its truth was early

impressed upon my mind, and it was only by long investigation that the impression was removed. In England I have been told that the case was the same. Nearly forty years have elapsed since I was a learner in those schools and twenty have passed away since I have had an opportunity of observing them; but in 1819, I could scarcely point out a school or a school-book which contained the catalogue. Doctor Lingard testifies for a later period. Writing of it, he has the following in page 115 of one of his tracts:

“That during a period of religious ferment, it should have obtained credit in England, cannot excite surprise: but I had thought that in the present enlightened age, it had been consigned to the contempt which it deserves. Even from Guthrie’s Geography, in which it retained an honorable place during so many editions, it has recently been expunged by the liberality of the publishers: and I am happy to observe, that its present existence entirely depends on the credit of the firm of Messrs. Le Mesurier, Granville Sharp & Co.”

I recollect the time when the book used to be quoted in the Irish and British parliaments as authority. Subsequently it was flouted from these places by the research and eloquence of Grattan, of Burke, of Flood, of Sheridan, of Pitt, of Fox, and of a host of such men. This may, perhaps, excuse the boldness of my assertion.

I am far from expecting that you should, at once, give up your present impressions. It cannot be looked for. Yet, sir, from a mind like yours, I should expect, not immediately, but after reflection, even a concession that the evidence is not conclusive that a “statute” was “formerly passed by the Roman Chancery, making assassination and murder, and prostitution, and every crime subjects of license and taxation, regulating the price at which each might be committed.”

As regards the statement of the forgeries and fictions of Maria Monk and the clergymen, I quoted them not to insult the Protestant world, nor was such my object in producing the extracts from Whitaker. It was to show that in assailing us, our tenets and our practices are

perpetually represented to be what we say—they are not, whilst in arguing with Protestants we uniformly abstain from charging them with any doctrine or practices which they disavow. We take their own testimony for their own belief: but we are not treated so. We never force upon them books which they disclaim, nor do we pretend to know their doctrines better than they know them themselves. Neither do we charge them with concealing and disavowing what they do believe. But unfortunately, we are not met in the like spirit, not treated in the like manner: and when documents are forged and works are interpolated, and practices are falsely ascribed to us; justice, truth, religion and honor require that we should not succumb, but that we should call those things by their proper names. Sir, I charge this upon a number of Protestant writers at various times. God forbid I should charge it upon the Protestant community. A vast number of my friends and acquaintances amongst them are men of the most sterling integrity, of the highest honor, and for whom I have great respect and warm affection. They abhor forgery, and fraud and fiction, and would not countenance either of them. I have not the honor of your acquaintance, but from what I have learned of your character, I believe you to be as incapable of either of those vices as I trust I myself am. Let it not then be imputed to me that I “denounce the whole Protestant world.” Sir, if you look to Whitaker’s words, he makes no such denunciation; he says that “forgery was a disease of Protestantism;” this does not denounce “the whole Protestant world;”—he says “it was peculiar to Protestantism.” This does not sustain your commentary. Sir, I have no disposition to enter in this place upon a vindication of the Jesuits against the witticisms and denunciations of Paschal, “who,” you tell me, “was one of the most brilliant ornaments of my church.” Again, sir, I must correct your mistake. I am a Roman Catholic; unfortunately, this prodigy of genius was not: he was a Jansenist, and as perfectly outside the church to which I belong, as you are. Again, sir, you are quite under a mistake in attributing the compilation of the Index to the Jesuits. It neither was

nor is in their charge: its superintendence was lodged in other hands, though occasionally a Jesuit may be a member of the tribunal.

But you tell me that I say nothing "about the notorious third Lateran Council, which makes not only falsehood, but perjury, a virtue, in behalf of the Church." I must avow my ignorance of the fact, and believe that you labor under some delusion upon this score. When you give me the proof, it will be to me a most unexpected novelty; until then, you must give me leave to think that there must be some serious mistake.

We think differently as to who gave occasion to this controversy; and if I have done the Church of Rome no good by it, I am under a great delusion, if thereby, I have done it as much injury as I would, had I silently acquiesced in the charge that "the Roman Chancery formerly passed a statute, making assassination and murder, and prostitution and every crime, subjects of license and taxation, regulating the price at which each might be committed."

Now, sir, I feel it due to you, to our readers, and to myself, that I should give, as briefly as possible, an exhibition of the true nature of an indulgence, of a dispensation, and of absolution from censures and sins. I neither intend, nor seek for controversy, in giving this explanation, and I shall studiously endeavor, to give no room nor occasion therefor, as I do not intend to assail the tenets of others, nor even to vindicate those of the Church to which I belong; but, by this explanation, simply to show why I have so often asserted that you made mistakes, and why I refused admitting that the granting of indulgences was proof of the existence, in the Roman Catholic Church, of those rates of taxation which I abhor as much as you do. The nature of the abuses which existed, to a deplorable extent, will thence be better understood, and it will be seen that as strong, if not stronger language than that quoted by you, is fairly applicable to them, and was used by some of the best men who sustained the Roman Catholic Church.

I have the honor to remain, Rev. sir, your obedient,
Humble servant, †JOHN, *Bishop of Charleston.*

Charleston, S. C., Sept. 4, 1839.

From the *Courier* of September 9, 1839.

To the REV. RICHARD FULLER, of Beaufort:

REV. SIR—I now proceed to lay before our readers that view of the doctrine and discipline of the Roman Catholic Church, which will clearly exhibit the true nature of the abuses and corruption which is fairly chargeable on several of its members and some of its tribunals.

In every religious society, an individual has two relations, one to God, the other to the body of which he is a member. The laws of God cannot be modified by man: the society is to make its own regulations where God has left it freedom of action. The violation of God's law is called sin; the violation of the laws of society are offences against the body: they may or may not be sinful, but at present we shall view them only as they are violations of order. God punishes sin chiefly in a future state of existence; the society punishes violations of its order in this world: it cannot interfere with the prerogative of the Almighty, nor prescribe to him terms for the exercise of his high attributes of justice and mercy.

In the Roman Catholic Church there are two courts to which the individual is amenable, and they correspond with the above relations: the one, that of conscience—which is called the *forum internum*, or “interior court”—in which the relation towards God is discussed and decided,—the other is called the *forum externum*, or “external court,” in which the relations of the individual with the society are discussed and disposed of. In the *forum internum*, the conscience of the individual is the accuser, no witnesses are called; the law of God, in respect to the sinner is the rule and the only rule of action. In the *forum externum*, or “outward court,” men may accuse, prosecute, and procure conviction, the laws of the society are the rule of action. We may now observe that the law of God alone is to be regarded in the court of conscience or the *forum internum*, and the ecclesiastical laws or those of the church, which is the society, in the “outward court,” or in *foro externo*. In this lat-

ter court, a prosecutor contends for the guilt of the accused, whilst the accused party contends for his innocence, and hence it is called "the contentious court,"—*forum contentiosum*.

It frequently happens that for one act the individual is amenable to both courts, but in different ways. Thus, a person is guilty of intoxication, he has violated the laws of God, his conscience accuses and convicts him, and he must look to God for pardon upon the terms which he prescribes, or he must endure the penalty of sin: the wages of sin is death, not merely of the body but of the soul, separation from God. Pardon can be obtained only in that way which Christ established, viz: by true repentance on the part of the sinner, and by obtaining the application of the merits of the Saviour in that way which he appointed. This is a transaction of the internal court: but the individual is amenable to the *forum externum* or the tribunal of the church for this same act, because of the scandal given to the community and the disgrace brought upon the body, and here he is prosecuted, and if convicted, he is to endure the penalty affixed to the crime. Now, it may happen that an individual is convicted in one of these courts and is acquitted in the other for the very same act. His own conscience may convict him before God, and yet the ecclesiastical tribunal may erroneously acquit him; and, although his conscience should acquit him, yet the judges of the court may erroneously convict him.

The internal court takes cognizance not only of actions but of words, thoughts and desires: the external or contentious court takes cognizance only of overt acts. The morality of the members of the church and their whole religious deportment in their relation to God may then be considered the business chiefly of this internal court: the discipline of the church, the preservation of order and the relations of members to the body may be considered chiefly the business of this contentious or external court; and each may be considered to be independent of the other.

This obvious distinction being kept in view, it is plain

that all which regards the reconciliation of the sinner with God takes place in the internal court: all that regards his reconciliation with the church is matter for the external court.

The great question which first presents itself to us is "How is this reconciliation with God to be effected? Is it by the payment of money?" The doctrine of the Roman Catholic church is and always has been, that by the law of God the sinner cannot be reconciled to him, except by true repentance and through the merits of Jesus Christ our only Redeemer. I shall here give the doctrinal chapters of the Council of Trent on this subject, as they were adopted and approved by that assembly in the sixth session, celebrated on the 13th of January, 1547.

Notice.—In the translation of those doctrinal chapters the words *justice* and *righteousness* are synonymous, and are given, as the translation of the Latin word *justitia*.

DOCTRINAL CHAPTERS

Of the Council of Trent, concerning justification, adopted in the sixth session, celebrated the 13th of January, MDXLVII.

CHAPTER I.

Concerning the inability of nature and the law to justify men.

"As the first thing, the holy synod declares that in order to understand correctly and sincerely the doctrine of justification, it is fit, and every one should acknowledge and confess, that since all men had lost their innocence in the prevarication of Adam, [*a*] being made unclean, [*b*] and as the Apostle says, [*c*] by nature children of wrath, as is exhibited in the decree concerning original sin; they were the servants of sin, [*d*] and under the power of the devil and of death: [*e*] so that not only the Gentiles could not by force of nature, but not even could

the Jews by the very letter of the law of Moses, [f] be freed therefrom, or arise: although free-will was by no means destroyed in them, though its force was diminished and inclined.”

[a] 1 Cor. xv.; 2 Rom. v. 12, &c. to 19. [b] Isaiah lxiv. 6. [c] Ephes. ii. 3. [d] Rom. vi. 17. [e] Heb. ii. 14. [f] Rom. iii. 9, &c. 19, &c.

CHAPTER II.

Concerning the dispensation, and mystery of the coming of Christ.

“Whence it was effected, that the heavenly Father, [a] the Father of mercies and the God of consolation, when the blessed fulness of time [b] was come, that to men, Christ Jesus his Son, declared and promised to many holy fathers, [c] both before the law and in the time of the law; as well that he might redeem the Jews who were under the law, as that the Gentiles [d] who did not follow after justice, might lay hold upon justice: and that all might receive the adoption of children; Him hath God set forth, to be one making propitiation [e] through faith in his blood for our sins, and [f] not for ours only, but also those of the whole world.”

[a] I Cor. i. 3. [b] Galat. iv. 45. [c] Genesis xxii. 18.; xlix. 10, &c. &c. [d] Rom. ix. 30. [e] Rom. iii. 25, v. passim. Colloss. ii. 2, 12, 13, 14. I. Tim. ii. 5, 6; II. Tim. i. 9, 10. [f] I. John ii. 1, 2.

CHAPTER III.

Who are justified through Christ.

“But although he hath died for all, [a] yet all do not receive the benefit of his death, but they only, to whom the merit of his passion is communicated. For, as in truth, men would not be born unjust, except they were born, propagated from the seed of Adam: since whilst they are conceived through it, they, by that propagation,

contract its proper injustice; so, unless they should be born again in Christ, they never would be justified, since the grace by which they become just, is bestowed upon them by that regeneration, through the merit of his passion. For this benefit, the apostle exhorts us [b] always to give thanks to the Father, who hath made us worthy to be partakers of the lot of the saints in light, and delivered us from the powers of darkness, and hath translated us into the kingdom of the Son of his love, in whom we have redemption, and the remission of sins."

[a] II. Cor. v. 15. [b] Coloss. i. 12, &c.

CHAPTER IV.

There is introduced a description of the justification of the impious, and his condemnation in a state of grace.

"By which words, is introduced a description of the justification of the impious, so that it is a translation from that state in which man is born [a] son of the first Adam, to the state of grace and adoption of the sons of God through the second Adam, Jesus Christ, our Saviour; which translation cannot indeed happen after the promulgation of the gospel, without [b] the laver of regeneration, or the desire thereof, as is written; [c] Unless a person shall have been born again of water and of the Holy Ghost, he cannot enter the kingdom of God."

[a] Galat. iv. [b] Tit. iii. 5. [c] John iii. 5.

CHAPTER V.

Of the necessity, in adults, of a preparation to be justified, whence it comes.

"It moreover declares, that the beginning of justification itself, in adults, is to be derived from the preventing grace of God through Christ Jesus; that is, from his vocation, by which they are called at a time when there ex-

isted no merits of their own, who being by their sins, turned from God, may be disposed by his exciting and helping grace, to turn themselves to their own justification, by freely assenting to that same grace and co-operating therewith; so that when God toucheth the heart of man by the illumination of the Holy Ghost, it doth not happen that man does nothing by any means, because he is able to cast that away, nor however, can he without the grace of God move himself to do justice in God's presence by his own free will. Whence in the sacred letters, when it is said [a] Be ye converted to me and I will turn to you: we are admonished of our liberty, and when we answer: [b] Convert us, O Lord, and we shall be converted to thee: we acknowledge that we must be prevented by the grace of God."

[a] Zachar. i. 3: Joel ii. 12, &c. [b] Lament. v. 21: Jer. xxxi. 18.

CHAPTER VI.

The manner of preparation.

"But they are disposed to righteousness itself; whilst roused and helped by divine grace; [a] conceiving faith by hearing, they are freely moved towards God, believing to be true, those things which are divinely revealed and promised; and amongst the first, that the wicked man is justified by God through his grace by the redemption [b] which is in Christ Jesus; and whilst understanding themselves to be sinners; by turning from the fear of divine justice, by which they are usefully absolved, to the consideration of the mercy of God, they are raised to hope, trusting that God will be merciful to them for the sake of Christ, and they begin to love him as the fountain of all justice, and therefore they are moved against sin with some hatred and detestation, that is by that penance which ought to be done before baptism; finally whilst they propose to receive baptism, they begin a new life and to keep the divine commandments. Concerning this disposition it is written [c] that he that cometh to God must

believe that he exists, and that he is a rewarder of them that seek him. And [d] Son, be of good heart; thy sins are forgiven thee. And [e] The fear of the Lord driveth out sin. And [f] Do penance, and be baptized every one of you in the name of Jesus Christ, for the remission of your sins; and you shall receive the gift of the Holy Ghost. And [g] going, therefore, teach all nations; baptizing them in the name of the Father, and of the Son, and of the Holy Ghost; teaching them to observe all things whatsoever I have commanded you.—And finally, [h] Prepare your hearts unto the Lord.

[a] Rom. x. 17. [b] Rom. v. 9, &c. [c] Heb. xi. 6. [d] Matt. ix. 2. [e] Eccl. i. 27. [f] Acts ii. 38. [g] Matt. xxvii. 19, 20. [h] Kings vii. 3. *Prot. version* I. Samuel.

CHAPTER VII.

What is the justification of the wicked and what are its causes.

“Justification itself follows this disposition or preparation; it is not only a remission of sins, but is also a sanctification and renewal of the interior man by the voluntary taking up of grace and gifts. Whence a man becomes just, from unjust, and from an enemy a friend, so that he might become [a] an heir to life everlasting. The causes of this justification are: the final indeed, the glory of God and of Christ, and eternal life; but the efficient, the merciful God, who gratuitously [b] washeth and sanctifieth, sealing and anointing [c] with the Holy Spirit of promise, who is the pledge of our inheritance; the meritorious cause, is his most beloved only begotten Son [d] our Lord Jesus Christ; who, when we were enemies [e] by reason of his exceeding great charity with which he loved us, merited our justification [f] through his most holy suffering upon the wood of the cross, and made satisfaction on our account to God his Father; the instrumental cause indeed is, the sacrament of baptism; which is the sacrament of faith, without which faith, justification was not ever conferred on any one; and finally the only formal

cause thereof is the justice of God, not that by which he is himself righteous, but that by which he makes us righteous; being gifted with which, by him, we are renewed in the spirit of our mind, and not only are reputed, but we truly are called, and are just; receiving righteousness into ourselves, each one according to his own measure which the Holy Ghost [*g*] divideth to every one according as he wills, and according to the proper disposition and co-operation of each. For although no one can be righteous, except he to whom the merits of the passion of our Lord Jesus Christ [*h*] are communicated; nevertheless, that takes place in this justification of the wicked, whilst the [*i*] charity of God is poured out into the hearts of those who are justified by the Holy Ghost, through the merits of the same most holy passion; and it inherits in them, whence in the very justification itself together with the remission of sins, a man receives through Jesus Christ upon whom he engrafted, all these infused gifts, faith, hope, and charity; for faith, unless hope and charity come thereto, neither perfectly unites with Christ, nor makes to be a living member of his body. Wherefore it is most truly said [*j*] that faith without works is dead and useless, and [*k*] that in Christ Jesus, neither circumcision availeth any thing, nor uncircumcision, but faith which worketh by charity. This faith, from Apostolic tradition, the Catechumens ask of the church before the sacrament of baptism, when they ask faith available to eternal life; which life, faith without hope and charity cannot procure. Whence they immediately hear the words of Christ. [*l*] If thou wilt enter into life, keep the commandments. Therefore, receiving true and christian righteousness, as that first [*m*] robe bestowed upon them by Christ Jesus, in place of that which Adam lost for himself and for us, through his disobedience, they upon being regenerated, are commanded to carry it white and unstained before the judgment seat of our Lord Jesus Christ, that they may have eternal life."

[*a*] Tit. iii. 7. [*b*] 1 Cor. vi. 11. [*c*] 2 Cor. i. 21, 22, and Ephes. i. 13, 14. [*d*] Eph. i. 5, 6, 7. [*e*] Eph. ii. and v. pass Rom. v. 6, 8, 9, 10, &c. [*f*] Eph. i. and ii. Rom. iv. 25, &c. [*g*] 1 Cor. xii. 11, and pass. Eph. iv. 7, &c. [*h*] Philip iii. 9, &c. [*i*] Rom. v. 5. [*j*] James ii. 17, 26. [*k*] Galat. v. 6, &c. [*l*] Matt. xix. 17. [*m*] Luke xv. 22.

CHAPTER VIII.

How it is to be understood, that the wicked is justified by faith, and justified gratuitously.

“But since the Apostle says that man is justified by [a] faith and gratis [b] these words are to be understood in that sense, which the perpetual consent of the Catholic Church hath held and expressed; to wit, that we are so said to be justified by faith, because faith is the beginning of human salvation, and the root of all justification [c] without which it is impossible to please God, and to arrive to the fellowship of his sons; but we are so said to be justified gratis, because nothing of those things which precede justification, whether faith or works deserves the grace itself of justification; for [d] if it is by grace, it is not by works; otherwise, as the same Apostle says, grace is no more grace.”

[a] Rom. iv. 3, 9, 13, &c. [b] Rom. iii. 24. [c] Heb. xi. 6. [d] Rom. xi. 6; Ephes. ii. 8; Tit. iii. 5, and Eph. ii. 8.

This shows what is required in unbaptized adults; now chapter xiv. of the same session exhibits the dispositions necessary for those, who, having been baptized, have fallen, and desire reconciliation.

CHAPTER XIV.

Of the fallen and their restoration.

“But they who having received the grace of justification have fallen therefrom by sin, can be again justified, when by the excitement of God they shall have by the sacrament of penance through the merits of Christ been able to recover their lost grace. This mode of justification is to the fallen that repair which the fathers appropriately call the second plank of lost grace. For Christ has instituted, for those who have fallen into sins after baptism, the sacrament of penance, when he said, ‘Re-

ceive you the Holy Ghost, whose sins you shall forgive they are forgiven to them, and whose sins ye shall retain they are retained.' [a] Whence it is to be taught that the penance of a Christian man, after his fall, is very different from that for baptism, and that in it should be contained not only a ceasing from sins and their detestation, or a contrite and humbled heart, [b] but also their sacramental confession, at least in desire, and to be made at its proper time, and the absolution of the priest; also satisfaction by fasts, alms, prayers, and other pious exercises of a spiritual life; not indeed for the eternal punishment which is remitted, together with the guilt, either by the sacrament or by the desire of the sacrament, but for the temporal punishment, which, as the holy Scriptures teach, is not, as happens in baptism, always remitted to those who, ungrateful for the grace of God which they have received, have grieved the Holy Ghost, [c] and have not feared to violate the temple of God, [d] of which penance is written—be mindful whence thou hast fallen, and do the first works. [e] That sorrow which is according to God worketh penance unto salvation, which is lasting: [f] and again, Do penance and bring forth fruits worthy of penance.' [g]

[a] Johh xx.; Matt. xvi. [b] Psalm 50. [c] Ephes. iv. [d] 1 Cor. iii. [e] Rev. ii. [f] 2 Cor. vii. [g] Luke iii.

All this regards the interior court, and is not, by any means, matter with which the exterior court has any concern, and here the Council of Trent lays down the unchangeable law of God; the unvarying doctrine of the church, which neither Pope nor council, nor any tribunal can alter, and with one particle of which no human tribunal can dispense.

Neither Chancery, nor Penitentiary, nor Datary has ever interfered with this tribunal. Each bishop, in his diocess, ordains priests, and whilst he believes them qualified, he gives them jurisdiction to hear the penitent sinner, to teach him his obligation according to this law, and to carry it into execution. Neither the bishop nor the

Pope, nor tribunal, can require any information of what the penitent has told, and was it required by either of them, the priest is bound rather to die than to communicate it. In the performance of his duty, the law of God, and not the act of external tribunals, is to be his guide. It is here, and only here, that absolution for sin is given, and no priest could be guilty of worse simony than to accept of money, if the penitent should be so silly as to offer it, for this absolution: because, the members of the church are all taught that all the forms are useless, unless they have the disposition of true repentance, and that God will not ratify an absolution given to one who does not truly repent. Thus no division of Christians requires a more perfect repentance and abandonment of sin than we do, and we require more, for we require confession and satisfaction.

Now all this was done in the sixth session of the council, on the 13th of January, 1547, that is, fourteen years and eleven months before the protest of the Protestant princes was delivered at Frankfort;—of course they knew that this was the Catholic doctrine.

It is then our doctrine that the guilt of sin is remitted only by the power of God, through the merits of Christ, and upon the conditions which he requires; amongst which are true repentance and the ministry of the priest. As soon as the guilt is remitted, the liability to eternal punishment ceases; but it is a doctrine of ours, that God frequently, for his own wise purposes, subjects the repentant and pardoned sinner to a temporary punishment. I shall illustrate it by reference to a scriptural fact.

When Nathan announced to David upon his repentance, that God had taken away his sin, the guilt was removed and the penalty of eternal death was remitted, but the temporal punishment of the death of his child was announced. I could multiply instances, but this will suffice. We believe, also, that by what the explanation, above given, calls "satisfaction," God will frequently be moved to extend still farther his mercy, and to diminish, or altogether to remove this temporal punishment. Thus we read, that David kept a fast and lay upon the ground

during the sickness of the child; but when its death was announced to him he arose and ate, and in explanation, he said, "while the child was living I fasted and wept for him: for I said who knoweth whether the Lord may not yet give him to me." Had the child been given, it would have been what we call an "indulgence," and thus it is not a remission of sin, nor leave to commit sin, nor the remission of the eternal punishment due to sin, nor the absolution from an excommunication, nor is it a dispensation from the observance of a law: but an indulgence is "the remission of the whole, or a part of the temporal punishment which sometimes remains due to the penitent and pardoned sinner, after his guilt and the eternal punishment have been removed." And thus no person can profit of an indulgence except after he shall have repented and been pardoned by the Almighty God through the merits of Jesus Christ. Whether God gave power to the Apostles to grant indulgences upon certain conditions, whether that power still exists in the church, and where it is lodged if it does, are questions which would open a new field of controversy, and from which I promised to abstain.

Our readers will now perceive why in examining the truth of your assertion, that the Roman Chancery passed a statute licensing the commission of crimes for certain sums of money, I stated that the use or abuse of indulgences had no bearing on the question.

I shall, in my next, endeavor to wind up my explanation, by showing the nature of dispensations, and their abuse, as also the nature of censures and the abuses in granting absolution from them, and the manner in which grant of indulgences was long and extensively abused.

I have the honor to be, Rev. sir,

Your obedient and humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, S. C. Sept. 7th, 1839.

From the *Courier* of September 11, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—I now proceed to give our readers a view of the transactions of the external or contentious court, and of some of its proceedings. This may be called the tribunal of discipline, according to ecclesiastical canons or laws, as the other may be considered the tribunal of religious intercourse with heaven, founded upon the teaching and institution of the Saviour.

The general disciplinary laws of the church chiefly regard the lives and manners of the clergy, the mode of placing them in office and of depriving them thereof; the effects of ecclesiastical censures, the mode of inflicting them or of removing them, the impediments of marriage, and such like. I need not inform you that laws for this purpose must be passed in general terms and bind all the individuals comprised in these terms. And it frequently happened that special cases were found in which the hardship or inconvenience was so great, or the benefit to be derived by excepting this case from the operation of the law, was so manifest, that the legislator would have excepted it had it come before him; but as the words of the law embraced the case, there would have been no remedy. To meet this inconvenience, the Pope has a power of dispensing with the individual case, so that the law shall still be of force, but shall not apply in this particular instance. Whether the Pope has this power by virtue of his office, independently of the church and from the Saviour himself, or whether the legislative tribunal of the church vested it in him, so as to meet such cases, is matter of no moment: this power is acknowledged to be in him, that for sufficient cause, of which he is to judge, he may exempt an individual, in a particular case, from the operation of the general laws of the church. No Catholic believes what is falsely imputed to us, that he can dispense with the law of God. A dispensation then is the exempting of a particular case from the operation of a general law of the church. Thus the general law

says that persons related to each other in a certain degree of consanguinity, shall be incapable of contracting marriage with each other. Catholics do not believe this to be a divine law, for the law in Leviticus was only for the Jewish people and is no part of the Christian code: they regard it as an ecclesiastical law, and believe that the tribunal which could bind by the enactment, could loose by the exception. It has frequently happened that disputed successions have threatened dreadful calamities of war and all its consequences, and that the whole trains of evils could be averted by a marriage of the disputants, but they were within the forbidden degrees. Here was an evident case which the legislature never intended to include, though it was forced to use general terms, and it was one of the cases which was left to the discretion of the Pope. Some canons go even so far as to say that some of those dispensations should be given only to great princes, and for a public cause. To grant a dispensation which exempts the individual for sufficient reasons from the operation of a general law, is not then an indulgence; but it is a grace or favor, and frequently a great public benefit. Would it not be, in a great measure, similar to obtaining a decree from the chancellor upon the merits of a particular case in equity, where the law would, by its letter, work an injustice in the common pleas? Nor is the dispensation granting a license to commit sin. No dispensation could be granted to offend God. The Almighty himself could not grant such a dispensation: it would be incompatible with his attributes.

I now come to censures. A censure is an ecclesiastical penalty inflicted upon an offender. One is suspension, by which a clergyman is, without losing his office, prohibited from performing its duties, either for a definite time, as a month, or a year, or for an indefinite time, *viz*: until he shall be absolved from the censure. Another is excommunication, by which any member of the church is deprived of the use of the sacraments and a variety of other advantages, until absolved from the censure. There are others, but this exhibition will suffice. Now absolving a clergyman from suspension is an act of juris-

diction of the external court, it is not absolving him from sin, which is an act of the interior court, and, clearly, though it is a grace or favor, it is not an indulgence, nor is it a license to commit sin. To absolve a clergyman or a layman from excommunication, was only to open the way to such a person to have recourse to the sacraments, that receiving them with proper dispositions, pardon may be obtained from God, in the Court of Conscience, but it was not pardoning the sin nor giving license to commit a sin; and though it was a grace and favor, it was not an indulgence. This, too, was an act of the exterior court, and was a portion of discipline. Thus it is clear, that neither an indulgence, nor a dispensation, nor absolution from a censure could be "a statute formerly passed by the Roman Chancery, making assassination and murder and prostitution and every crime subjects of license and taxation, regulating the price at which each might be committed."

I now come to remark upon the abuses.

In order to know the nature of any transaction, we must look to its circumstances. Europe had been scourged during centuries by the incursions of the barbarian hordes that overthrew the remnant of the Roman empire. The church had, in a measure, civilized them and brought them to bow their necks to the yoke of the Gospel. A collection of predatory bands were assuming the form of a multitude of independent principalities. Charlemagne to a certain extent, had succeeded in blending them into a feudal confederation. They professed the Christian religion, they acknowledged the Pope as its head, but they generally tyrannized over the bishops. The ancient canons of discipline were severe, and when any crime had been publicly committed, though the individual had confessed in private, he was required to do the penance or satisfaction in public, and the process was in many instances long and severe. The courtiers and the favorites of the chieftains, impatient of the restraints of these canons, and equally unwilling to observe, even in private, the fasts and other penitential works enjoined by their confessors, and yet equally un-

willing to abandon the principles of their faith, sought by all means to procure relaxations: they offered to compensate by alms and works of mercy to the poor, for the relaxation of that rigorous discipline which they were unwilling to observe. Amongst the relaxations which were made we find some specified in the canons of the Council of Triburia, once a royal villa, formerly called Tribur of Trewr, between Mayence and Openheim, on the right bank of the Rhine, in the present territory of Hesse Darmstadt. The 54th canon gives two reasons for the mitigation, which has relation only to a special case, but the reasons are of general application. The council of Ancyra, in Galatia, a province of *Asia Minor*, which was celebrated in the year 314, regulated amongst other matters in canon xxii. that persons guilty of voluntary homicide should not be admitted to reconciliation until they should have done specified acts of penance during years, and not receive the holy Eucharist until there was a likelihood of death. The Council of Triburia in 895, after reciting the substance of the canon of Ancyra, goes on to say, "but it appears good and useful to us, who are pastors of Christ's sheep: because of the circumstances, *qualitate*, of modern times and the frailty of men, that by synodal authority and general judgment we should moderate this chastisement and fix a certain and definite time for the penance: lest a very long period of penance should occasion weariness and disgust in the negligent: and that the work of salvation may be increased for those more speedily carried through the exercises." It fixed the duration of the penance at seven years, diminishing in rigor as the time proceeded, and in some of the periods and for some of the exercises allowing a relaxation from part of the rigor of one day, upon condition of supporting three poor persons sufficiently on that day, or giving an equivalent amount in money or value to some work of charity. It also recognised in the bishops the power of using their discretion, upon reasonable and sufficient grounds of granting indulgences, that is, by a judicial exercise of power, remitting still farther through the superabundant merits of Christ, and in consideration of the

communion of Saints, forty days, or one year or more of these works of satisfaction, which were offered to God, in lieu of the temporal punishment which sometimes remained due to sin, after the guilt and the eternal punishment were remitted to the penitent sinner, and these remissions were called indulgences of forty days, of a year, &c.; and Catholics believe that when this power is properly used, the Almighty mercifully remits the temporal punishment corresponding to the amount which would be remitted by the penance of those days. This power, however, may be abused, and they do not believe that God is bound by the mal-administration in this case, and that they who would place confidence in such mal-administration only deceive themselves. The canons of Triburia were founded upon just and sufficient grounds, and the canons of Ancyra recognise the same power of granting indulgences in the bishops. "Modus autem, &c." "Let the measure of this penance be subject to the discretion of the bishops, that according to the conduct of the penitents, they may be able to extend for the slothful and to shorten it for those who carefully hasten." Can. xxii.

The Council of Triburia was not an exception, but an illustration of the process by which a general relaxation was forced upon the Church by the spirit of the times. The bishops soon felt the tyranny of the little and sometimes of the great sovereigns, who by all efforts sought to break down the restraints of the ancient rigour in forcing them to grant unreasonable indulgences for insufficient causes, until the rapid decay of their power exhibited a large body, especially of the German prelates, as mere powerless instruments in the hands of those petty despots.

This, sir, is the true cause why they willingly sought to be delivered from the evils of their position, by surrendering to the holy See exclusively a large portion of that power in granting indulgences which had been exercised by their predecessors. But the surrender of the power was made only after the introduction of many abuses, which could not be immediately redressed. The same spirit, which is found in the present despot of

Prussia, had dominion over many a tyrant who professed the Catholic faith, and he had his Magdeburgs, and Mindens, his myrmidons and minions, and all his prelates had not the firmness of the archbishop of Colonge. This is the first epoch in the introduction of abuses.

The next question is, "What was the benefit of the transfer?" Rome was an independent state: the Pope was a sovereign, and he was therefore less liable to be awed into concessions.

Soon after this period, an additional calamity came upon Christendom. The Saracens, not content with the extinction of Christianity, in the east and in the south, were bent upon sweeping it out of Europe by the execution of their scimitars. In order to meet them upon their own ground, to force them to look nearer to home, as well as to get possession of the holy land, the crusades were undertaken. You and I may differ in our views of their policy; but it was considered a great protection to Christendom, that a powerful army should penetrate into the heart of Palestine and keep possession of Jerusalem. Every encouragement was offered to him who would valiantly fight against those who had sworn the ruin of religion: and indulgences were extended with no sparing hand to those soldiers of the Cross who exposed their lives for its protection against the Crescent. The holy See was lavish in her favors to those who gave up the enjoyments of home and the safety of their castles for the toils of painful journeys, the privations of the camp, and the turmoil and perils of the battle. Funds became necessary, and by analogy, it was said that they who contributed from their means to support those who fought abroad were equally engaged in the conflict, and they who contributed the funds claimed to participate in the indulgence. Incontestible monuments of history could, were I allowed it, be produced to prove that such was the process. Thus discipline was enervated, and indulgences were multiplied, and in many instances they were abused.

At an early period there were collectors of alms, who, authorised by the bishops, by the monasteries, by hos-

pitals, and not unfrequently by the Popes, travelled to collect the alms of the faithful. They were like the travelling agents of our bible societies, of our missionary societies, of our church building, and other societies. They were called Questors: they exhorted the faithful in all places to contribute to the special objects of their mission, and naturally sought to show the benefit which the contributor would derive from aiding specially their particular institution. They were lavish in the promise of indulgences, and in magnifying their advantages. Yet in no instance that I can discover, do I find that any of them went so far as to fix a certain sum, or rate, or tax for an indulgence. But we have abundant evidence that not only were indulgences too lavishly bestowed, and without sufficient cause, and their advantages exaggerated, but that this was done in many instances for vile gain by unworthy men, and that much of the money thus collected was profligately misapplied. But was this in accordance with the doctrines of the church? Was it encouraged and practised by its authorized representatives? Was there any step taken to reform the abuse?

I regret, deeply, my being so crippled for space in giving the answers.

The fourth Council of Lateran was held in Rome, in the church of St. John of Lateran, in the year 1215. Pope Innocent III. in opening the council, states the first object to be the reformation of the church: of the abominations existing therein, he complains and calls upon the bishops to aid in removing them. His expressions are stronger than most that you have quoted, but he restricts them to real, he does not extend them to imaginary abuses: and exhorts the prelates strenuously to flee avarice, uncleanness, and ambition, to practice prayer and mortification, and to cultivate the virtues.

I should wish much to have the opportunity of giving here, in full, the canons to which I refer, but I must now be content with giving their substance. The sixty-second condemns and forbids the sale of relics, and warns the bishops against allowing lying stories or false documents to be exhibited to make a gain by procuring offerings from pious persons, who are deluded.

It then proceeds to warn them against the easy admission of Questors, some of whom had been found even in their summons, sustaining abuses by the assertion of falsehoods, and gives the form of the letters which the holy See gave to those whom it sent out which is but a general exhortation to alms giving in favor of some special charitable or religious institution that is in distress, with an assurance that God will bestow an abundant reward. It desires that they shall not be permitted to publish more than their commission expresses: and desires that bishops shall not give any other sort of commission. It proceeds:

“Let those who are sent to seek alms be modest and discreet, let them not lodge in taverns or unbecoming places: let them not incur useless or high expenses, and let them be cautious that they do not wear the dress of an order to which they do not belong.”

“And because the prelates of some churches do not fear so to act as that by their grants of indiscreet and superfluous indulgences, both the jurisdiction of the church is brought into contempt and penitential satisfaction is enervated,—the decree,” &c.

Great restrictions are specified, and a great moderation enjoined upon the example given by the Pope.

The next canon notices “extortions and filthy and base exactions,” for the performance of several clerical duties, and notices their being taxed at certain rates (not in the Roman Chancery, nor in Rome, nor for sins, but elsewhere:) it condemns and reprobates it as a simoniacal corruption, ordering it to be abolished.

The sixty-fifth recites the allegation against some bishops who refused to institute pastors until they got money, and made other extortions. They are condemned, the exactions prohibited, and the criminal is bound to pay double the amount of the exaction to the injured place or party.

The next canon would be rather inconvenient to some Protestant churches in this city: and one was passed in stronger language at Triburia, condemning extortions for services, &c., at the burial of the dead, and on other

occasions. The German Council, in Can XVI. calls it "a custom to be abhorred and avoided by all Christians, that of selling for a price the sepulture due to the dead." What would they say to \$50 for leave to bury a corpse?

This however is a digression, and one which I cannot now afford to follow up. My object was to show that although the abuses in granting indulgences increased to an alarming extent at this period the legislative body of the church neither countenanced nor defended the abuse, nor was it negligent in the reprehension, but it had not power to prevent what it condemned. At this council there sat the patriarchs of Constantinople and of Jerusalem: seventy Greek and Latin Archbishops, and four hundred and twelve bishops, besides a large number of abbots and other dignitaries.

I shall now give from the *Corpus Juris Canonici* (Clem. Lib. V. Tit. IX. C. 2.) the decree of Pope Clement V. upon the subject, according to the proceedings of the council of Vienne in Dauphiny, where upwards of three hundred bishops were assembled in 1311. The title of the decree is *Abusionibus*.

"Desiring (as far as lies in my power) to present the abuses which some questors of alms put forward in their preachings, that they may deceive the simple and extort gold from them by subtle or rather by deceitful ingenuity: since it tends to the danger of souls and the scandal of very many: We have thought fit, according to the statute of the general council strictly to prohibit (unless they should produce the letters of the holy See or of their diocesan bishop) that they should be in any way admitted or permitted to preach (for their duty is solely to state to the people the indulgences granted to them, and suppliantly to request from them their charitable aid) and to prohibit their being allowed to explain to the people any thing more than what may be contained in the aforesaid letters. And let the diocesan bishops diligently examine the Apostolic letters lest there should be any fraud in them, before they admit the questors themselves."

"Moreover some of these questors, as have been brought to our knowledge, not without great impudence of te-

merity and multiplied deceit of souls, actually grant of their own motions indulgences to the people, dispense in vows, absolve those who confess to them from perjuries, homicides and other sins: remit doubtful claims and restitution for thefts (upon a certain sum of money being given to themselves) remit a third or a fourth part of the penances enjoined: take out from purgatory (as they falsely and lyingly assert) three or more souls of the relations or friends of those who give them alms, and carry them to the joys of paradise, give them a full indulgence and remission of their sins to the benefactors of those places for which they request, and some of them (to use their own words) absolve from guilt and punishment."

"Now, we desiring in every way to abolish abuses of this description, by means whereof ecclesiastical censures are made vile and the authority of the keys of the church is brought into contempt, strictly forbid those things to be done or attempted in future by any questors, altogether revoking by Apostolic authority, all and singular privileges, if any there were given in the premises or any of them to any places or to any persons or orders of questors, or to any of them in any manner, (lest in pretence or pretext thereof there may seem ground for their farther presumption.")

The latter clauses of the decree state that the number of questors and the abuses have increased, and call upon the bishops to punish the delinquents and check the abuses.

It is curious to notice that the very evil complained of, the very abuses condemned, and the deceit denounced, are by the early Protestant writers, attributed to the very tribunal which denounced and condemned and sought to remove them! These efforts were made before that period at which you allege the formation of the taxes under John XXII., the immediate successor of this very Clement! I wish, sir, I had room to give in this place the exhibition of the sentiments of some of our best and most active and enlightened writers, high not only in public estimation for piety and literature and every quality which could adorn the human character, but also

high in ecclesiastical rank, who bewail and condemn those abuses whilst they vindicate the fair fame of the church and sustain her doctrines; but it is too soon, and for me the opportunity exists not of giving their testimony to a well disposed people, long habituated to attribute every enormity to the See of Rome,—long taught to seek for the origin of every religious evil in the tenets of the Roman Catholic Church. I am also forced thus to pass over the intermediate period, during which I could show the acts of many other councils, and come down to that which you call the day of reformation. The questors still existed, and some of our best writers say that even the holy See became too careless in correcting the abuses to which I have alluded. I have at all events shown that they existed and were widely spread abroad. And now we come to the days of Tetzels, as the commissioner of Rome. That his questors were guilty of many of the faults into which the others fell, I am prepared to admit, as more than probable. That several of the allegations made against them by the earliest Protestant writers were notoriously untrue, I think I am prepared, if necessary, to prove. But, sir, in this I believe we should differ. I am of opinion that their crimes were not as great as were the calumnies of their opponents. I do not attempt to defend the one; you attempt to vindicate the other. I have before my eye assertions of the fathers of the religious disunion: assertions that the canon law contained enactments which the Catholic writers of that day denied to have ever been found upon the books, and which certainly do not appear upon the copies ancient or modern in either of the Protestant or Catholic collections of this day; and thus, sir, though not one of them refers to the Tax book of the Roman Chancery for such a statute as you have described, they have similar *ingenious devices*.

The Council of Trent had the case necessarily under its consideration. Several of the Catholic nations remonstrated against the crimes of the questors, who even still existed, and in the fifth session, held on the 17th June, 1546, the last clause agreed to in the 2d chapter on reformation, was—

“Let not the questors of alms, commonly called *questuarii* of whatever condition they may be, presume, in any way to preach, either by themselves or by another, and let the bishops and ordinaries of the places banish, by all proper means and remedies, those who contravene this decree, notwithstanding any privileges.”

And again, in the twenty-first session, held July 16, 1562; Chap. IX. on Reformation—

“Since many remedies heretofore had recourse to, by different councils, as well of Lateran as of Lyons, and of Vienna, against the wicked abuses of questors of alms, have been latterly found useless; and since their malice seems daily rather to increase, together with the great scandal and complaint of the faithful; so that there no longer appears to be any hope of their amendment, it (the council) decrees that henceforth, in all places of the Christian religion, their name and their use be perfectly and fully abolished, and that no one shall henceforth be admitted in any way to exercise this office, notwithstanding any privileges, churches, monasteries, hospitals, pious places, or any grants thereto, or to any persons of what degree soever or state or dignity granted, and notwithstanding customs even immemorial, and it decrees that indulgences and other spiritual graces, of which it is not fit that the faithful of Christ should be deprived, shall henceforth be published by the ordinary of the place, to the people, at the proper time, associating with him two members of the chapter, to whom also power is given for faithfully collecting the alms and the charitable aids offered to them, they receiving no reward in any manner. So that at length all may know that these treasures of the church are used for piety and not for gain.”

The abuses have since disappeared, and there never was a period when there was a more general and pious use made of indulgences, than at the present time, and yet abuses are scarcely found and seldom complained of.

The dispensations were also frequently given without sufficient examination, and it was charged by some of our best and most pious men, that the facility was so great, from the avarice of the officers, that no person who sent

the fees for the papers, and a sufficient compensation for the Datary, could have any reasonable doubt but that the ingenuity of the officers would work the application to a favorable issue, sooner than they should lose the fees which would accrue from the passing of the grant.

In like manner it was complained that it needed only the expression of sorrow, which was too often feigned, and the payment of the fees for drawing the papers, to procure an absolution from censures, and that what was originally intended as a check upon misconduct, became, by the facility by which it could be removed, rather a fixed rate at which a person might have the grounds furnished for a calculation of the yearly cost of getting relieved from censures and continuing to incur them. But it must be recollected that all this was in the exterior court: and had no concern with sins, but with censures. The tribunal was established not for the license of transgressors, but for their punishment and their release from a state of disgrace and restraint, after their amendment. The facility of the tribunal may be proof of the infidelity of its officers to their duty, but was no proof that sin was sanctioned by the church: and this tribunal had no concern with the remission of sin, but the removal of censure, and if fines were sometimes paid, they were inflictions for the past, not purchase money for the future. That the money thus procured might have been occasionally misapplied, I will not venture to doubt; but the history of the past and the results which I have witnessed, have proved to me that it was destined to the highest objects of religion, of literature, of civilization and of charity, in the erection of churches, the endowing of colleges, the support of missions, the alleviation of sickness, the support of orphans, and the relief of the poor. Notwithstanding the peculations which occasionally existed, sir, I venture to assert that no one of your societies has had its funds more faithfully administered.

These days and these practices, sir, have passed away; and the improvement which took place in the Catholic Church was a reformation of the practices of individuals and of some tribunals. Its necessity was pointed out by

the proper officers of the church itself, and by the voice of Catholic Europe. It was effected without a change of her doctrine or a separation in her communion, though large bodies did separate and make doctrinal changes: and during a long period, unfortunately, there were sufficient abuses to call for reprehension, without the necessity of interpolation or forgery, at the very moment that remedy had been efficiently applied.

In addition to the other observations, allow me to add this one before I conclude. You will find upon the index, as censured, the books which proclaim as genuine most of those indulgences and dispensations which are the theme upon which every tyro in Protestant theology founds his charges, to exhibit the corruptions of our church. What, sir, would you think of my honesty, did I pick up every book which you flung away as a libel, and impute its expressions to yourself?

I would that you read a little more of Catholic authors than you appear to have done, and after viewing both sides you may perhaps think differently from what you do.

In what estimation do we hold those travellers, who, in order to amuse Europe and fill their own purses, compile volumes turning our peculiarities into ridicule whilst they suppress the exhibition of those things in which we excel? What do you think of those "friends of humanity," who collect a few anecdotes of the misconduct of some unfeeling masters and embellish the narrative from the stores of fancy, thus to pourtray the Southern planter? Of what value would be a history of the United States whose contents should be even a faithful transcript of the records of our criminal courts?

And, sir, if a foreigner were to form his estimate of our public men and of the administration of our affairs from the vituperation and the falsehoods of our party press, and refer to public American writers as the authorities by which he was guided, would you call him a well informed man? You have read the history of the Catholic Church in this way, or I am in error.

I am fatigued, sir, and probably so are you and my readers. I shall only say, that when you had Bayle you had all that the libraries of Europe could have furnished to sustain you. I know not whether any reply that you may make shall render it necessary for me to appear upon this subject again. Whether it should or not, I wish to preserve for you the feelings which I have more than once expressed, and beg leave

To remain, Rev. sir,

Your obedient and humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, (S. C.) Sept. 9, 1839.

From the *Courier* of Sept. 14, 1839.

To the RT. REV. BISHOP ENGLAND:

REV. SIR—I have read your last five letters with all the attention in my power. I, with deference, conceive that the proofs and arguments in my communications remain not only unscathed, but quite untouched as to any material point, and that I could easily show this. The controversy has, however, been already protracted to such a weary length, that it would be unreasonable, if not impossible, to trespass farther on the patience of our readers. I am sure the greatest favor I can confer upon the public, is to terminate the discussion, and I submit the case, therefore, cheerfully to the verdict of all who seek only truth—making but the following observations, which they will see are indispensable:

1. You must feel that expurgated copies of Tax books and other documents in your possession, are worth less than nothing in the case before us.

2. When Abbe Richard admits the Tax book, it is the work “Jurieu produced,” viz: the tariff of sin which he says “*the Church*”^{*} suppressed, and of which the “guilt

^{*} If I repeat often and in italics, these words, you will forgive me. I am an unworthy member of a poor and humble body of Dissenters, and I cannot quite forget that witty, but wicked sarcasm of South’s: “The Papists have a church, but no religion; the Dissenters a religion, but no church.” You will, sir, sympathise with me, no doubt, and participate in my indignation.

belongs only to the Court of Rome." Your attempt to indentify this with the cut and dry copy in your possession, and to confound a Tax book for Papal revenue with a fee bill of officers, is too bad. The picture you give, however, of John XXII., "*citing scripture for his purpose*," is admirable. How the blood-sucker must have chuckled, as he concocted his infernal scheme for replenishing his *needy* coffers, and "gave as a cause (*your own words*) that verse of the Psalmist—'Blessed is he who understandeth concerning the needy and the poor.'" Well done Pope John XXII.

3. Your "*Indices Prohibitorum*," and "*Nisi corrigantur*," clearly prove nothing, but that the press was, and is abused shamefully in order to conceal truth, and keep the people in ignorance and superstition. As you are so anxious for an exhibition, I beg you will only go as far back as 1826, and let the community see the index then published, and the books it forbids, and the conditions on which alone even the Bible is to be allowed.

4. In respect to the Chancery, you say you "have other dodging places," and I "have not got you there." I think I have; and I am satisfied of it even by your last letters. The preparing a Tax book would be only a "ministerial act" and not "judicial." The Popes themselves were the authorities which issued indulgences. *They* palmed them upon the people as absolutions and dispensations from censures and sins; and the "ministerial" business of preparing the tariff would belong to the Chancery. As to the refinements of the Church and Bellarmine, I care nothing. The distinction may be very clear in your articles of faith between absolutions, and dispensations, and indulgences: but the word of God condemns them all without any distinction; and what would Popes like John, and Sixtus, and Leo, care about the subtleties and maxims of Doctor Tom Aquinas? They had but one orthodox maxim:

"O cives, cives, quærenda pecunia primum est,
Virtus post nummos."

Get monies, monies, fleece our flock of these;
And then—old Tom of Aquin, if you please.

As, however, you might go on dodging forever in those courts, let a single, plain, but decisive question suffice. Is it even possible that *you* can be correct, and all the Protestant Princes, and the multiplied European authorities cited—Reformed and Romanist?—be in error? Sir, Lingard has betrayed you into adopting for argument, what even he only meant as a spiteful retort upon Mesurier, Faber, and the other archers, who galled and shot him without mercy.

5. You acknowledge one error as to Parrhasius, and commit others. That "Protestant Translation" of Bayle, which you use, must labor sadly under the "*peculiar disease*," and were Whittaker living, it could hardly escape him. Leave it, sir, and go to the honest original "kindly offered" you. The case was incest from first to last. The Pope did sell a dispensation; "*l'argent a quoi la dispense eta it taxée*." That it was not an indulgence, but a dispensation from sin, makes my argument stronger; since the Datary had to do with a dispensation from incest; and I maintain that, though separate now, the Datary and Chancery were *then* the same court. In a note to Mosheim (v. 3, p. 93,) the learned Schlegel gives an account of the courts, and says "*the Chancery is called Dataria*." This was as late as 1770. Parrhasius died two centuries before, in 1533. Even now, you admit, that while the Datary inquires into cases of incest, the Chancery "prepares the papers and gives the documents," viz. the Datary is *judicial*; the Chancery *ministerial*; and preparing the Tax book would be ministerial. But, sir, without farther jugglery, why not put the thing in its true light at once? Indulgences, absolutions, &c. were granted by no tribunals at all, but by the Pope himself. As to these, the courts of Rome deserve not the name of tribunals. They were and are mere creatures of the Pontiff: and to whatever department he might choose to refer certain matters for investigation or report, the Chancery (an office derived from the Cæsars, see Black. Comm.) was, and would be, the ministerial bureau to issue his tariff of taxes. I am willing, however, to rest this on the simple, plain question put above.

6. You are "astonished at my inaccuracy as to the date of the protest of the princes." I am astonished at yours. The Council of Trent was called as early as 1542. Even before 1546, the princes presented their memorial. In January, 1546, Robertson says (page 137,) "they published a long manifesto, containing a renewal of their Protest, against its (the Council of Trent's) meeting together, *with the reasons* which induced them to decline its jurisdiction." The meeting in 1562, was only a re-assembling of the same Council, and the address of the princes a representation of their protest. Even this, however, was two years before Pinet's work. Your confession that "as to Pinet's being the original fabricator, you are not *so* positive," indeed? and your suggestion that perhaps the whole body of princes were the forgers in a document publicly presented to a Catholic Council!!! these are a specimen of the parts of your letters I had, noted, as they came out, for comment; but, as to which in sparing the public, I spare you. Would it not be safer and better to admit the 'Tax book, among the "enormous and criminal abuses you grant did exist," than to hazard this charge? But so it is in these things; one step ever leads to a worse, "*ce n'est que le premier pas qui coute.*"

7. I said that "*the enforcement of the Tariff* would have been a shelter in the days of Luther and Calvin." Here, again, too, how exact the Prince William's illustration! The license laws exist now; but do they remedy the evil? Are they, or will they ever be, enforced, while they recognise the principle, that the manufacture of drunkards is an honest business, and, sir, a proper subject for taxation?

8. As to the Lateran council, I will give the words. The editors of the *Courier* threaten to put us on the advertising columns. I am not surprised at it. I return them my sincere acknowledgments for their courtesy, extended thus far to one who is a stranger, and whose name is not even on the list of their subscribers, (an omission which I beg they will supply.) But, sir, this threat must sound ominously in *your* ears; and, as I would fain save you from insolvency—for printing is,

rather harder and dearer work than pardoning sins, and the tax bill of the *Courier* might not be quite so "extremely moderate" as that of the Pope appeared to honest Lingard—I will state to our readers, that I give the canon as quoted by Faber. His book, however, will satisfy any who consult it, that he drank not from troubled streams, but ascended to fountain heads; and G. S. Faber's reputation defies any assault; "*Non enim dicenda sunt juremента, sed potius perjuria, quæ contra utilitatem ecclesiasticam et sanctorum patrum venient instituta; Concil. Lateran tert. can. XVI. Labb. Concil Sacrosanct. vol. X. p. 1517.*" "For they (oaths) are not to be esteemed oaths but rather perjury, which are against ecclesiastical utility and the decisions of the holy Fathers." See Faber's *Diff.* p. 48. I find that Dr. Maclain, in his *Mosheim* is at a loss, how this can be called the third Lateran council, when there had been eight previously. He confounds *Provincial* with *General* councils. This was only the third General Lateran council, and is acknowledged as the eleventh of those called Oecumenical or universal.

9. The prohibition of the Tariff in 1570 and pretence of corruption, amounts, as Bayle well observes, only to this, "that the Pope wished to conceal a document with which at that time, the Reformers were beginning to goad the Church: The Jesuits were then the very soul of Inquisitions and Romanism. Pascal was, indeed "not of your church" if by "your church," you mean "the monastic order of the Jesuits." But he was a professor of the Roman Catholic religion; and, after my mention of his inimitable letters, I should have supposed you would hardly, however pressed, have brought forward the Jesuit Bellarmine. How largely, too, do you calculate on the ignorance of the community, when you quote a furious controversial tract of Lingard—that virulent Roman Catholic priest whose prejudices make even his history of England unworthy of credit, full of "*dexterity of interpolation,*" "*wonderful talent for quoting as much as suits his purpose, and omitting whatever makes against him,*" "*hardihood of assertion,*" "*borrowing from his fancy what*

is necessary to the support of his system," &c. &c. (Edinb. Rev. No. 83, 7.) It seems to be only against pretended Protestant forgeries, that your zeal, like veracious Whitaker's, is ungovernable. Lingard is, I believe, now living, and you might as well have given a passage out of one of your own former letters. As you cite these works however, (although the extracts are nothing at all to the purpose,) permit me to select one or two authorities, out of others before me, which bear directly on the "precise question,"—and which even you will not venture to combat—their words of themselves, ought to settle this dispute.

10. I adduced before the *Nouv. Dict. Hist.* (Caen 1786) whose editors, though violent Catholics, mention Pinet's notes and the *Tariff* without the least pretence of forgery. These same editors speak in the highest terms of De Thou, (also a Roman Catholic,) and what does he testify? "Leo X. gathered huge sums of money by sending his *Breves* abroad, every where, promising *expiation of all sins, and life everlasting upon a certain price*, which any should give according to the heinousness of his offence." (*Thuan. Hist. Sui Temp. ad ann. 1515.*) Planck, than whom there is no better authority in Europe, and whose work the *Conversations Lexicon* pronounces distinguished "by profound research, and by thorough and free examination"—thus writes—"In Rome itself, the trade in indulgences was prosecuted even in small and individual things, and carried on with a regularity which would have done honor to the most reputable business in the world. *There was drawn up a formal statute regulating the prices of all kinds of sins*, even of those, the very existence and names of which had, perhaps, been conceived of only in the imagination of some idle casuist; in which statute, the price of each pardon was fixed on the most singular principles of estimation. This almost incredible monument of the most audacious oppression, and blindest superstition, is still extant. See *Taxa Sacræ Penitentiariæ* by Hortleder on the causes of the German war, B. I. C. 47, p. 564 (Planck Prot. Theol.)

I remarked in my last letter on your many random assertions. There is one I overlooked. It is this—“*neither Mosheim nor any other respectable historian of the period alludes to such a document.*” Now here (as in your affirmations about Luther, “stricken out of Protestant books.” “No gentleman, &c. &c.”) a plain man would take it for granted, that you could hardly be speaking at a venture; and, at first, I really did not think to examine. Having grown a little wiser, however, I have turned to Mosheim, and lo! his words at p. 430, v. 2. “The Popes not only sold indulgences to the people more frequently than formerly, to the great indignation of kings and princes, but they required enormous prices to be paid for their letters or bulls of every kind. In this thing John XXII. showed himself peculiarly adroit and shrewd. *For, though he did not first invent the ‘Regulations and fees of the Apostolic chancery,’ yet the Romish writers admit that he enlarged and reduced them to a more convenient form.*”

I have already referred to the note of his celebrated commentator Schlegel, *who was a cotemporary*, giving a full account of the book of sin. Here is another decisive note by Schlegel. “There were rich merchants of Genoa, Milan, Venice, and Augsburg, who purchased the indulgences for a particular province, and paid to *the Papal Chancery* handsome sums for them.” v. 3. p. 18. These wholesale importations, he says, they retailed at great profit.

As I am unwilling to multiply quotations unnecessarily, I give but one more. The *Biographie Universelle* (the best biographical dictionary in the world) says, *speaking of the Tariff of sin (Art. Pinet)* “La Taxe Chancellerie put imprimée pour la première fois a Rome en 1474, par ordre du Pape Sixtus IV.” John XXII. then enlarged and digested the Tariff of iniquity in 1320; and Sixtus IV. first ordered it printed in 1474. This is just in keeping with the character of his Holiness Sixtus IV., who established brothels in Rome, in order to put a tax upon them. His other acts, and his consummate infamy, are

they not written in the book of Agrippa "*de Vanit Scient*," and in every authentic history?

Now, sir, with these remarks, I acquiesce cheerfully in the decision of the public. Others crowd upon me, but I sacrifice them, though reluctantly, and, while "I do not ask a concession of victory"—about *that* I care nothing—I do ask a concession of truth. Let any man examine the proofs advanced, which are the best possible from the nature of the case. Let him then look at the confessions of eminent Catholics. If farther corroboration be needed, let him enquire into the character of the Popes who are accused, and consider the notorious traffic in indulgences, which involves necessarily a fixed rate of prices; and if, after all this, he doubts the existence of the Tax book of sin, I humbly submit that his skepticism must be ascribed not to any defect of testimony but to some other cause.

I know nothing about the "mutual friend" in Charleston who offered you the use of a copy of Bayle in the original—an offer which I wish you had accepted—nor of any other "friend who had access to it;" but I cannot conclude without expressing my sincere thanks to a gentleman, and distinguished scholar, whose name you have mentioned, and whose acquaintance I enjoyed in former days, and amid scenes and pursuits, oh! how different from those in which my soul rejoices now—I allude to the Hon. H. S. Legare, who, while in Europe, purchased for the Beaufort college, not only Bayle, but by far the most choice collection of modern and ancient classics I have seen for a long time.

Allow me, also, Rev. sir, now that this controversy is over, to repeat to you, and the members of your communion, my regret that I have been forced into it, and that, in order to defend the Prince William's committee, and show the striking accuracy of their comparison, I have been compelled to disinter and expose the enormities, which I had hitherto been willing to leave buried in oblivion, and for doing which, I can only say—as I remarked in my first note deprecating this discussion—that "upon yourself must rest the blame."

I despatch the above before your promised explanations and confessions have reached me. After the premonitory of the Courier, I am unwilling to expose you to temptation, by entering on a subject which, by the bye, you carefully evaded while the press was open, and the public patience not exhausted. Rev. sir, I anticipate fully your course of argument as to absolutions, indulgences, &c. But all ingenuity here is expended in vain. The word of God levels against the whole system its distinct and unequivocal denunciation, and it is notorious that the Popes cared no more for your theories than I do, when they wanted money. That there were men who lifted an unavailing cry against the existing abuses, I well know—although poor Jerome and Huss teach us what was their reward. But, if your confessions shall merit the title—if they prove not a mere confirmation of Massilon's remark that "the confessions of most persons are only a studious arrangement of words to soften and embellish," &c.--*l'arrangement etudie des expressions qui adoucissent l'horreur*, &c.—if, in short, you acknowledge one thousandth part of what all history attests—then, you must admit abominations so ineffably and infinitesimally enormous, that our judges will be amazed at your indignation about the Tax book; and, while they look in horror at the character of your clients—Priests, Abbots, Bishops, Cardinals, Popes, Councils, and the whole Church, century after century—they will unanimously turn to me, and exclaim, in the language of an old acquaintance of yours at school,

"SOLVENTUR, RISU, TABULÆ—TU MISSUS ABIBIS."

Hoping, then, we may now "part in mutual respect and amity,"

I have the honor to be, Rev. sir,

Your most obedient humble servant,

RICHARD FULLER.

Beaufort, Sept. 10, 1839.

Note.—The editors of the *Courier* gave notice, that as the correspondence was voluminous, and may be very long, they should charge for it as an advertisement if continued.

Broad street, Sept. 14, 1839.

To the EDITORS of the Charleston Courier—

GENTLEMEN—I send a letter in reply to the Rev. R. FULLER, which, though it is only the vindication of a Council from the worst accusation he could bring forward, and which appeared in your paper, I shall pay for as an advertisement upon the presentation of your bill. You will add to the favors conferred by giving it a conspicuous place.

Yours, respectfully,

†JOHN, *Bishop of Charleston.*

From the *Courier* of Sept. 16, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR,—I am satisfied to close the discussion relating to the “Statute formerly passed by the Roman Chancery, making assassination, and murder, and prostitution, and every crime, subjects of license and taxation, and regulating the price at which each may be committed,” with but three remarks.

1. Though De Thou professed the Catholic religion, he was generally considered to be more friendly to its opponents, and his history has been censured at Rome by a decree of November 9, 1609, and subsequently by one of May 10, 1757. A modern writer describes him as “Audax nimium: hostis Jesuitarum implacabilis: ca-

lumniator Guisiorum: *protestantium exscriptor*, laudator, rei Catholicæ parum æquus:"—Too bold: an implacable enemy of the Jesuits: the calumniator of the Guises, the transcriber, the panegyrist, the friend of the *Protestants*: unjust to the holy See, to the council of Trent, and to the whole of what regards Catholicism." The documents which he used were furnished by the most violent enemies of the Catholic religion, and the leading writers of the party naturally extolled the historian who became little more, upon the subject of religion, than their amanuensis.

2. I wrote that Mosheim does not allude to such a document as "the Tax book," or "the Statute formerly passed by the Roman Chancery, making assassination and murder, and prostitution, and every crime, subjects of license and taxation, and regulating the prices at which each might be committed." The quotation that you make is no allusion to either. I always admitted that there was a Tax book or fee bill of the Chancery, but I denied that it contained the items of your tariff; and it is still my untouched assertion, that Mosheim does not allude to them, nor to any of them. You say that Planck does, and I give you the full benefit of his assertion.

3. "Sixtus IV. established brothels in Rome, in order to put a tax on them." I am sorry that you should have so far forgotten yourself as to repeat this scandalous libel, and to make reference to Agrippa—who is thus well described: "Nullis hic parcit: contemnit, scit, nescit, flet, ridet, irascitur, carpit omnia. Ipse philosophus, dæmon, heros, deus et omnia."—"He spares no one: he despises, knows, knows not, weeps, laughs, is angry, attacks, finds fault with every thing. Himself a philosopher, a devil, a hero, a god, and every thing." By how many was he caressed, and then turned off? In how many countries has he been a beggar? How many patrons has he assailed? How many prisons has he graced with his presence? You are angry with the Popes, but it would be well to have discretion even in anger!

I, however, must give you and our readers a little more of the canon of the council of Lateran than you vouch-

safed to give them upon the authority of Faber. Your charge was, that the council made perjury in behalf of the church a virtue, and you added that the council made falsehood in behalf of the church a virtue. Your words were:

“But without saying a word about the notorious third Lateran council, which makes not only FALSEHOOD but PERJURY a virtue in behalf of the church,—omitting that, you will permit me, respectfully to ask one question.”

I do not know, sir, whether any of the blood of my native country flows in your veins; but if not, you are quite worthy of being admitted into our honorable fraternity, for you have made an admirable bull in saying what you did not say a word about, and omitting what you stated?

Amongst Catholics, sir, perjury is the violation of a lawful oath, or the taking of an unlawful oath. Thus, if we swear to declare the truth and do not declare it, it would be perjury: and should a man attempt to bind me by the form of an oath to declare a falsehood, I would be guilty of perjury in going through the form which I profaned; but not only am I not compelled by this form to tell a lie, but I am obliged to go against the words by which I appeared to be bound, because it is no oath, but a perjury. An oath cannot be a bond of iniquity. A conspirator who has sworn with his fellows to commit robbery or murder is not bound by the oath. In fact it is no oath: to be an oath, it must have three qualities, viz: truth, judgment, and justice; the defect of either renders it no oath.

There are some acts bad in themselves—such as injustice, murder, &c. We believe that it is always perjury for a person to swear that he will commit either of them, and that there is in such cases no oath, but a deceptive form which is no bond, and that the moral obligation is against its observance.

Other acts may be legalized by society, or by its representative, the legislature; and we may be bound by an oath to their performance. Thus, a sheriff is bound by his oath to execute the sentences of the court of justice.

In this case he may be released from the obligation by the same tribunal by which it was created. A custom has been long observed, and has been legally sanctioned: by virtue thereof certain duties are to be performed by particular officers: they are sworn to the performance the legislature finds that the custom has been perverted, and enacts a law for its reformation, and declares that they who have been sworn to perpetuate the abuse are not prohibited by their oaths from observing the law, but that they are bound to obey it; for that a semblance of an oath which prevents the reformation of abuses is no oath, because it wants the qualities of "judgment and of justice." Would you call this perjury? Were the fathers of the revolution who had sworn allegiance to the crown of Great Britain perjurers, because they issued the declaration of independence?

Now, sir, the canon xvi. of the third council of Lateran was an act of the legislature of the church, remedying a glare abuse, and declaring that even persons who might have sworn to its perpetuation were not bound to continue the abuse, by reasoning of having so sworn; for, an oath against the public good was not an oath.

CANON XVI.

Cum in cunctis ecclesiis, quod pluribus et senioribus fratribus visum fuerit, incunctanter debeat observari: grave nimis et reprehensione est dignum, quod quarundam ecclesiarum pauci quandoque non tam de ratione quam de propria voluntate ordinationem multoties impediunt, et ordinationem ecclesiasticam procedere non permittunt. Quocirca presenti decreto statuimus, ut nisi a paucioribus et inferioribus aliquid rationabile fuerit ostensum: apellatione remota, semper prævaleat et suum consequatur effectum quod a majori et seniori parte capituli fuerit constitutum. Nec nostram constitutionem impediat, si forte aliquis ad conservandam ecclesiæ suæ consuetudinem juramento se dicat adstrictum. Non enim dicenda sunt juramenta sed potius perjuria quæ contra utilitatem ecclesiasticam et sanctorum patrum veniunt instituta. Si autem hujus modi consuetudines,

quo ratione juvantur et sacris congruant institutis, irritare, præsumpserit: donec congruam egerit pænitentiam, a Dominici corporis perceptione fiat alienus.”

“Whereas, in all churches, that which is approved of by the more numerous and the older brethren ought to be observed without hesitation: it is grievous and reprehensible that in some churches, a few persons frequently hinder an ordinance, not so much upon reasonable cause as by their self-will: and do not permit the ecclesiastical ordinance to proceed. Wherefore we enact by this present decree, that unless some reasonable cause be shown by the minority and the younger, that which shall have been regulated by the majority and the elder portion of the chapter shall, all appeal being taken away, always prevail and have its effect. Nor let it be a hindrance to our regulation, that perchance any one should say that he is bound by an oath to preserve the customs of his church. For they are not to be called oaths, but rather perjuries, which are in opposition to the welfare of the church and the enactments of the holy fathers. And if any person shall presume to make void customs of this description, which are sustained by reason, and according to the sacred regulations, let him be denied the partaking of the body of the Lord until he shall have done befitting penance.”

Thus, sir, I have copied and translated the canon from the volume and page of the work you pointed out, and I leave to my readers to decide whether by quoting from the law the miserable scrap which I have extracted above, Mr. Faber has enabled you to convict three hundred Catholic bishops representing their whole church, in the year 1179, of having taught, 1st, That *falsehood* was a virtue when committed on behalf of the church; 2d, That *perjury* was a virtue when committed on behalf of the church.

Now, sir, I apprehend the Protestant princes who made it a condition for their acknowledgment of the council which they affected to seek, that the prelates should be declared not bound by their oaths, would feel little obliged to you or to Mr. Faber, did you charge them with legalising perjury.

I shall also, sir, refer you instead of quoting Catholic authorities for which you have such becoming contempt, to Paley, Chap. XXI. *Oaths to observe local statutes*, where he describes the observance to be in some cases *unlawful*, and says: "Unlawful directions are countermanded by the authority which made them unlawful." This, sir, is the very case. The highest legislative authority in the society, made the bad custom which was an unreasonable deviation from the original correct usage, unlawful,—and after this the oath became unlawful.

As you seem kindly to feel for my poverty, I must own that even, with that poverty I have some pride. I therefore wish to make the best figure that I can, by paying for at least this one communication, which I make as brief as possible, not to run the risk of the insolvency from which you would fain save me. I need not remind you, sir, that picking lines out of law books is a dangerous occupation.

I have the honor to remain,

Your obedient and humble servant,

†JOHN, *Bishop of Charleston.*

From the *Courier* of September 17, 1839.

To the REV. RICHARD FULLER, Beaufort:

SIR,—I had hoped that my letter in the *Courier* of this morning would have rendered it unnecessary for me to add any thing in reply to your last. But by some mischance in the office, the passages in the canon and its translation which I marked in *Italics*, were not so printed: and in place of referring to the words printed as I marked, the reference was changed to "the miserable scrap which *I have extracted above*" when I made no extract. And thus the force of my argument was so far lessened as to be scarcely intelligible. As I feel it necessary to remedy this error or mistake, I have determined now to make the argument as plain as I can.

The case stands thus. On the 23d of August, you wrote the following passage:

“But without saying a word about the notorious third Lateran council, which makes not only falsehood, but perjury a virtue in behalf of the church.”

In this you make two distinct charges against that council. *First*—That it made *falsehood* a virtue in behalf of the church. *Second*—That it made *perjury* a virtue in behalf of the church.

I was so totally unprepared for such charges, that I requested you to enlighten me upon the subject. And on the 10th of September, you give me as your authority for the two charges “the canon as quoted by Faber,” and you assure me that “his book however will satisfy any one who consults it, that he drank not from troubled streams, but ascended to the fountain head: and G. S. Faber’s reputation defies any assault.” After this glorious flourish, you give the quotation which the editors of the *Courier* thus print in *Italics*, and within inverted commas, as I suppose you so marked them for exhibition: “*Non enim dicenda sunt juramenta sed potius perjuria quæ contra utilitatem ecclesiasticam, et sanctorum patrum veniunt instituta. Concil. Lateran. tert. Can. xvi. Labb. Concil. Sacrosanct. vol. x. p. 1517.*” And to this you add the translation: “For they (oaths) are not to be esteemed oaths, but rather perjury, which are against ecclesiastical utility and the decisions of the holy fathers.” See Faber’s *Diff.* p. 48.

Now, sir, I shall not charge the garbling of the canon upon you. I shall give its discredit to G. S. Faber, whose “reputation defies any assault.” Perhaps I am in error when I believe you to have been innocent as not having read any more of the canon than was furnished to you by G. S. Faber,—but for your own sake, I hope as I believe that I am right.

From this extract of the canon, for it is no more, I now ask you to show how you prove that the council taught “that *falsehood* was a virtue in behalf of the church.”

You cannot show it, and thus, sir, you stand before the public making an accusation of the most grievous nature, against the highest tribunal of the Catholic Church, without even the shadow of one particle of evidence to sustain your charge. You have not produced even a forged or an interpolated, or a garbled document to give it the semblance of a support: for even in this garbled morsel, which Faber gave you, there is nothing on which you can found the allegation. The whole statement respecting falsehood then emanates, to speak in the mildest terms, from your imagination. You have in many places of your letters given ample provocation for my treating you here in a way to which I will not have recourse.

Now as to the charge that the council "made *perjury* a virtue on behalf of the church."

Suppose the garbled scrap which Faber gives from the sixteenth canon to be a fair representation of the meaning of that law, what does it say? That oaths taken against the utility of a public body, then known as the aggregate of the civilized world, and believed by the bulk of Christendom to be the Church established by Christ to lead man to salvation, are not oaths—but perjuries. Would an oath taken by a citizen of our State against its public welfare be considered obligatory? Would the court, which should decide that the citizen who took it and continued to adhere to it was not bound by that oath, upon the ground that it was not an oath, but perjury, be justly accused of teaching that perjury was lawful? I need not inform you that the first obligation of every citizen is the law of God: the second is the constitution of his State, and as no form of oath could bind him to the violation of the divine law, so except the constitution of his State should conflict with the divine law, no form of oath could bind him to violate that constitution: and should there be such a conflict, he is bound to the State in every other point save that in which the conflict exists: and his exemption in this instance arises from that sound maxim of legal interpretation that where two laws are in irreconcilable conflict, that of the first or higher authority must prevail. These

are the principles which I have been taught from Roman Catholic authors, by Roman Catholic professors: they are the principles which I find recognised in all enactments and interpretations of councils in the Roman Catholic Church, from the council of Jerusalem held by the Apostles down to the present day.

Faber does not translate "*sanctorum patrum instituta*." You give as the translation, "*the decisions of the holy fathers*." I translated it in my letter of Saturday, "*enactments of the holy fathers*." To you a learned jurist, it is quite unnecessary for me to dwell upon the palpable distinction between an *enactment* which is a legislative act, and a *decision* which is the judicial interpretation of that enactment. I looked into a couple of Latin dictionaries in order to be assured that my recollection was correct, and they gave me "statute, order, decree." I looked into Johnson, for the word "Institute"—and he referred me to the Latin "Institutum," giving as the meaning "Established law: settled order." I was quite aware that throughout the canon law, the word "institutum" was used for "enactment," and "interpretatio" for "decision." Thus, even the garbled quotation of Faber, would convey this meaning, "the council taught that oaths taken against the enactments of the holy fathers, that is, against the public and well known laws of the society, "were not oaths but perjuries." And would not every court of our State also declare that oaths taken against the public enactments of the Legislature were not oaths, but perjuries?

Now, sir, I suspect that not one reflecting person who reads this will believe that you had one particle of evidence, even in that garbled extract, upon which to sustain your very cruel and outrageous charge.

Again, I must remedy the occurrence in the printing office, and to render my argument intelligible, here insert the canon.

CANON XVI.

Cum in cunctis ecclesiis, quod pluribus et senioribus fratribus visum fuerit, incunctanter debeat observari: grave nimis et reprehensione est dignum, quod quarundam ecclesiarum pauci quandoque non tam de ratione

quam de propria voluntate ordinationem multoties impediunt, et ordinationem ecclesiasticam procedere non permittunt. Quocirca prasenti decreto statuimus, ut nisi a paucioribus et inferioribus aliquid rationabile fuerit ostensum: apellatione remota, semper prevaleat et suum consequatur effectum quod a majori et seniori parte capituli fuerit constitutum. Nec nostram constitutionem impediatur, si forte aliquis ad conservandam ecclesiæ suæ consuetudinem juramento se dicat adstrictum. *Non enim dicenda sunt juramenta sed potius perjura, quæ contra utilitatem ecclesiasticam et sanctorum patrum veniunt instituta.* Si autem hujus modi consuetudines, quo ratione juvantur et sacris congruant institutis, irritare, præsumpserit: donec congruam egerit pænitentiam, a Dominici corporis perceptione fiat alienus.”

“Whereas, in all churches, that which is approved of by the more numerous and the older brethren ought to be observed without hesitation: it is grievous and reprehensible that in some churches, a few persons frequently hinder an ordinance, not so much upon reasonable cause as by their self-will: and do not permit the ecclesiastical ordinance to proceed. Wherefore we enact by this present decree, that unless some reasonable cause be shown by the minority and the younger, that which shall have been regulated by the majority and the elder portion of the chapter shall, all appeal being taken away, always prevail and have its effect. Nor let it be a hindrance to our regulation, that perchance any one should say that he is bound by an oath to preserve the custom of his church. *For they are not to be called oaths, but rather perjuries, which are in opposition to the welfare of the Church, and the enactments of the holy fathers.* And if any person shall presume to make void customs of this description, which are sustained by reason, and according to the sacred regulations, let him be denied the partaking of the body of the Lord until he shall have done befitting penance.”

I now ask, whether the picking that morsel printed in *Italics* out of the above canon, separating it from the context, and giving it as a proof that the third Lateran

council made not only falsehood but perjury a virtue, in behalf of the church, is not dishonest garbling? I leave it to any honest man to say whether there is any essential moral difference between dishonest garbling and criminal interpolation; between criminal interpolation and forgery; between the notorious guilt of which G. S. Faber, "whose reputation defies any assault," stands convicted, and that which I have shown to be the crime of the Lord of Norroy, and the other interpolators of the tax book. I have had some little acquaintance with criminal courts: and I have more than once seen an accomplice produced as a witness to establish the innocence of his associate, by impeaching an innocent individual. But in those cases it was considered to be a desperate and reckless effort injudiciously made, tending as it did to establish more fully the charge in the indictment.

I have the honor to remain, Rev. sir,

Your obedient and humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, S. C., Sept. 16th, 1839.

From the *Courier* of September 20.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—You appeared to be so indignant at the insinuation that it was part and parcel of the system of the adversaries of the Roman Catholic Church and clergy, to forge, to garble, and to malign, as well as to vituperate, that I thought it may, as you love truth, be useful, if not gratifying to you, that I should furnish a few facts in support of the assertion that such a system existed even at present. I was debating with myself whether I should not make selections for this purpose from a number of European and American journals, which from time to time I had laid aside to serve this purpose as occasion may require, and I have abundance: when this

day's mail brought a new bundle of European papers, the first which I opened contained the following article, which I for the present submit to your perusal. Indeed, sir, were I to publish one tenth of what I meet with in the course of a year, fitted to sustain my allegations, you may well calculate upon my insolvency. However, I can afford to pay for this, and as my fellow citizens of other religious denominations would know little of it, were it confined to the columns of a Catholic periodical, I am desirous also of showing them that I generally do not hazard groundless assertions; and that though I would libel the great bulk of Protestant Christians were I to charge them with participating in this vile practice, yet I am ready to give abundant proof that it has been and continues to be the system of the violent opponents of the Roman Catholic Church, to have recourse to forgery and fiction and garbling to defame that church and her clergy.

The Cork Southern Reporter from whose columns of the 1st of last August, the following article is taken, is one of the most respectable journals of the United Kingdom. This article was published whilst the court in which the transaction occurred was yet in session in the city, and subsequent to the adoption of your memorial at Hoopsa church, on the 22d July.

I have the honor to be, Rev. sir,
Your obedient humble servant,

†JOHN, *Bishop of Charleston.*

Charleston, S. C. September 20, 1839.

From the *Cork Southern Reporter*, August 1st, 1839.

THE LIMERICK LIBEL CASE.

CALUMNIES ON THE CATHOLIC CLERGY.

We stated some reasons in our last number for the opinion we expressed—that however, in the spirit of forbearance, the Rev. Mr. Raleigh, the Roman Catholic curate of St. Nicholas' chapel, Limerick, may have been satisfied with the apologies made to him on the previous day in open court, by the Rev. Dawson Massy, the Protestant curate of the same parish, and a Mr. Dartnell, proprietary of the Limerick Standard, the first for having furnished the material for—and the latter for having published, an atrocious libel on his (Mr. Raleigh's) character, there were circumstances connected with that case, which convinced us that the ends of justice had not been arrived at by the result which had taken place, and we intimated our intention of giving a history of the case from the first appearance of the libel to what we cannot but consider, its abortive adjustment. We stated that the slander was of a most atrocious nature; that it was persevered in until it was seen that the Rev. plaintiff was determined to bring it before a jury of the country; that it was circulated through every part of the empire by the malignant industry of the tory journals; that it was a *part and parcel of a system of falsehood and misrepresentation directed against the Catholic clergy*; that if the action had been proceeded with, we had reason to believe that a piece of more villainously conceived defamation was never revealed to the public than would have been disclosed; but that, in consequence of the settlement which had taken place, nothing more would appear to the world than that an action was brought for an ordinary libel; that apologies were made by the author and publisher, and that these apologies were accepted; but that, as to the libel itself, no reference had been made to it, and that not one of the bad organs of the party which were too happy to circulate it, would recall the calumny.

We deemed that all these circumstances were quite enough to take this case out of the ordinary rule of not noticing actions in which the parties have settled their difference between themselves, and promised that if in laying it before the public we should have to mix up or add to it other matter, it should be so far relative as to be illustrative of as *heartless, profligate and unprincipled a system of slander and calumny* as was ever conceived in the bad minds of the worst conspirators against private character. We repeat the words which we used, and proceed to show their just and appropriate application to the disreputable and dishonorable practice which we denounce.

Some time ago,—we think, it was in the month of March—the Cork *Constitution* informed its readers that an order had been issued to the police, prohibiting them from furnishing the newspapers with accounts of murders, burnings, and the numerous other outrages which, according to the “state of the country” journals, were of such frequent occurrence. We stated at the time that we knew nothing of such an order except upon the dubious authority of the *Constitution*: but that, if such a direction had been issued, we thought it would be attended with good effect, as it would probably curtail in a great measure the gross fabrications and exaggerated representations of the most trifling occurrences which were sent before the public, to the great injury of the country. From that time forth, it was observable—indeed it was palpable to the most ordinary observer—that there was an almost total cessation in the “state of the country” journals of the usual accounts of outrages, and the space in them which used to be devoted to details of “horrid barbarities” which never took place, was necessarily filled with other matter. As the source from which they were accustomed to derive the ready made lies which answered their purposes was closed against them, they were thrown upon their own inventions and upon altogether different contributors; and whereas therefore the subjects were “Murder, rape, robbery, arson,” &c., the new headings became—

“Ruffianly Conduct in Roman Catholic Chapels.”

“Surpliced Ruffians.”

“Ruffians in Sacerdotal Robes.”

“Confession.”

“Base Uses of the Confessional, &c. &c.”

In the *Constitution* of the 6th April appeared the following article, quoted as if copied from the *Limerick Chronicle*:—

“RUFFIANLY CONDUCT IN ROMAN CATHOLIC CHAPELS.

“We have on many occasions remonstrated with our unthinking fellow-protestants on the idle and blameable curiosity which prompts them to enter Roman Catholic chapels, and view the disgusting mummeries and idolatry which are there perpetrated; but what remonstrance failed to effect, the following details of some occurrences which took place in this city on what the Roman Catholics call Holy Thursday evening, may ultimately accomplish:—

“On that evening one of the annual shows which dazzle the ignorant, but which should disgust every well educated person, takes place in the Roman Catholic chapels, and the members of that persuasion, and we are sorry to add, some Protestants, from idle curiosity, visit the chapels to see the decorations. Some Protestant ladies thus happened to enter one of the chapels in this city, and whilst there, a portion of the mummeries of the Romish church required the prostration of the assembly. This the ladies could not do consistently, nor could they effect a retreat. At this moment the officiating priest called to them from the altar to kneel; but they did not comply with the request, on which he paused in the service, rushed from the altar, seized on the ladies, and, rudely dragging them to the door, pushed them out.

“In the Franciscan chapel, however, a circumstance of a far more ruffianly nature took place: a highly respectable lady entered—the same mummeries were being enacted, and the young lady, who, we believe, is an English lady and a Protestant, did not kneel like those around

her. The moment she was perceived not to have done so, a cowardly ruffian in sacerdotal robes rushed from the altar to where she stood, and grasping her by the arm, desired her to kneel. The lady said she was a Protestant, and would not do so for any one, on which the ruffian rudely pushed her, and she fell to the ground, he at the moment exclaiming,—‘Now will you kneel?’ In dreadful alarm the lady arose and exclaimed, ‘Never,’ on which the coward again pushed her to the ground, with all the fury of a demon depicted in his countenance.

“It is with gratification we state that further violence was now stopped by the general outburst of indignation against a brute who could thus outrage an unprotected female; and seeing a rush being made from all quarters to protect her, the cowardly reptile returned abashed to the altar, and the lady was assisted from the chapel almost fainting.

“The last case is one of so dangerous a nature, that we sincerely hope the lady’s friends will advise her to prosecute the ruffian. Justice demands that she should do so; but at any rate, we trust it will satisfy ‘Liberal’ Protestants, that that toleration to other creeds which is an essential of the Protestant faith, does not exist even in the Church of Rome.”—*Limerick Chronicle*

Not having, at the time we read this article in the *Constitution*, any recollection of having seen it in the *Limerick Chronicle*, we looked back to the past numbers of that paper, and, strange to say, it was never published in it. What the object of the *Constitution* was, in attributing the article to the *Chronicle*, we cannot imagine. But the article *had* appeared in the *Limerick Standard*. It was written on the authority of the Rev. Dawson Massy, the Protestant curate of St. Michael’s church, Limerick, and it is the libel for which the Rev. Mr. Raleigh brought the action.

And if the statements made in it be not true; if, from beginning to end, there was not the shadow of a foundation for them, or any one of them: if they were all a monstrous lie, conceived in the first instance, in the most

profligate disregard of truth and fact, and sought afterwards to be sustained by the vilest perjury, we ask of any man whose heart is not as black and whose hands are not as deeply imbued in guilt as those of any of the parties to the infamous fabrication, can any thing more depraved be imagined than the concoction of a story like this, having no other earthly object than to damage the character of a Catholic clergyman, no matter whether that clergyman was the curate of the Franciscan or of St. Michael's chapel, the great object being to injure the character of the body?

But let us proceed—

It appears that the Rev. Mr. Malone, the Catholic clergyman of the Franciscan chapel, having read the publication in the *Standard*, wrote a letter falsifying the statement altogether, so far as he or his convent was concerned. Of this letter we have no copy, nor ever saw one. It produced, however, the following from the Rev. Mr. Dawson Massy:—

“Upper Mallow street, April 8, 1839.

“TO THE EDITOR OF THE LIMERICK STANDARD.

“DEAR SIR—I have just seen the Rev. Mr. Malone's letter of this day, denying that any insult was offered at the Franciscan chapel to the Protestant ladies who attended it on Thursday evening, before Easter.

“As I was the person who gave you the information to which Mr. M's letter alludes, I feel bound to substantiate its truth, and consequently called this evening on the young lady in question, to know the full particulars of the whole transaction.

“She solemnly affirms that she was treated with the utmost rudeness in a Roman Catholic chapel, on the evening you have mentioned, but in the R. C. chapel of St. Michael's (not in the Franciscan,) by the Rev. Mr. Raleigh, not by the Rev. Mr. Malone, and that your statement is substantially correct.

“The young lady naturally shrinks from giving her name to the public, but as her parish minister, I have no hesitation in stating my conviction that her testimony is

worthy of credit; and I beg to add, that I myself would never mention the circumstance to you, but from my heartfelt desire that your noticing it in your widely circulated journal might deter Protestants from countenancing, by their presence, the erroneous rites of an impious idolatry, from the low motive of idle curiosity. The apprehension of meeting rudeness or insult in such places, may keep away from them—those whom a better principle does not control.”

“I remain, dear sir, yours truly,

“DAWSON MASSY,

“*Curate of the parish of St. Michael's, Limerick.*”

The charge being thus transferred from one clergyman to another, and the scene being laid in a different chapel, the Rev. Mr. Raleigh addressed a letter to the editor of the *Limerick Standard*, in reply to the Rev. Mr. Massy; but the *Standard* would not publish it, and he at length got it inserted in the *Limerick Chronicle*, with the accompanying introduction:—

“TO THE EDITOR OF THE LIMERICK CHRONICLE.

“SIR—Having addressed the following letter to the editor of the *Limerick Standard*, in reply to one of the Rev. Dawson Massy, which appeared in that paper of the 8th inst., and as he has not inserted it, notwithstanding a promise made at a personal interview, I shall feel much obliged by your giving it a place in your columns on to-morrow, as I am particularly anxious that a moment should not elapse, without removing whatever imputation this Rev. personage's letter may have cast upon me.

“I remain, sir, with great respect,
Your obedient servant,

“JAMES RALEIGH.

“*Sexton street, April 12.*”

“TO THE EDITOR OF THE LIMERICK STANDARD.

“SIR—As you have declared yourself in the last number of your paper ‘A lover of fair play,’ I am induced

to hope you will not refuse to insert the few following lines:—

“A leading article in your publication of the 5th inst. is headed—‘Ruffianly conduct in two Roman Catholic chapels,’ in which you assert that on last Holy Thursday evening, in a Roman Catholic chapel, in this city, a priest, or as you mildly call him, a ‘ruffian in sacerdotal robes,’ rushed from the altar, grasped the arm of a young lady, *a Protestant and an Englishwoman*, and with the fury of a demon depicted in his countenance, twice pushed her to the ground, exclaiming ‘now will you kneel.’ It appears from the Rev. Mr. Malone’s letter, that no such occurrence as that stated took place in the Franciscan, and at once in your last number the scenes are shifted, and St. Michael’s chapel and your humble servant are made the place and the party which must answer this imputed violence. You pronounce me the ‘real delinquent,’ and seem to rejoice that, with the assistance of the Rev. Dawson Massy, ‘you have now put the saddle on the right horse.’”

“I waited on this Rev. personage yesterday, at his house, in company with a highly respectable Protestant citizen, to know from him the name of his informant, in order that I may disprove this odious imputation, and contrary to every principle of manliness or justice, he refused my simple and reasonable request.

“It now, sir, only remains for me in fairness to myself *to declare most solemnly* that the whole transaction is a *gross falsehood* and a *malicious fabrication*; and, moreover, I pledge myself to the public to prove it to be such, the moment he declares his alleged informant.

“The Rev. Mr. Massy ought to know the commandment ‘Thou shalt not bear false witness,’ and I would ask, is it consistent with justice, or with religious or moral principle, to publish ‘his conviction of the truth’ of a most painful and insulting statement against a Catholic clergyman, and then refuse the name of the person, from whom he asserts to have received it?

“In conclusion, sir, I beg to state, that unless the name of his informant be given, I shall take no further notice

of this affair, but will give him the opportunity of proving, before another tribunal, the truth of this odious charge, for which he has avowed himself personally responsible.

“I remain, sir,

Your obedient servant,

“JAMES RALEIGH, V. P. St. Michael’s.”

“April 12.”

Mr. Dawson Massy comes into the field again—not to reply to or notice the above letter of the Rev. Mr. Raleigh, but to confirm the statement made by himself in his published letter of the 8th; and to confirm it—how? By the affidavit of the young lady—“a Protestant and an Englishwoman” according to the original libel, “a young unprotected Protestant, and his parishioner,” according to the Rev. Mr. Dawson Massy. But let that pass. In the *Limerick Chronicle* of the 17th April were the following letter and outrageous document—purporting to be the affidavit of some nameless affidavit lady.

“April 16, 1839.

“TO THE EDITOR OF THE LIMERICK CHRONICLE.

“DEAR SIR—In confirmation of the statement made by me in my published letter of the 8th inst. I beg to furnish you with the following copy of the affidavit of the injured person, the original of which is in my possession. As an humble follower of Him, who, when He was reviled, reviled not again, I abstain from angry re- crimination.

“The public will draw their own conclusions from the accompanying document, and easily understand both the motive which influenced me in bringing the transaction before them, and the reason—the sole reason, of my having preserved from exposure the name of a highly respectable lady—a young, unprotected Protestant, and my parishioner.

“I remain, dear sir, your’s truly,

“DAWSON MASSY, curate of St. Michael’s.

“Upper Mallow street, Limerick.”

(COPY.)

"County of the city } A. B. of C. D., in the county
 of Limerick, to wit. } of the city of Limerick, spinster,
 came before me, and made oath on the holy Evangelists,
 that on the evening of Thursday, the 28th of March last,
 she, this deponent, accompanied by several other females,
 proceeded to St. Michael's chapel, situate in Denmark
 street, in said city, for the purpose of witnessing the
 ceremonies of holy Thursday.

"Saith, that on entering the chapel, she perceived two
 clergymen engaged at the altar, and shortly after, one of
 them, the younger of the two, whom deponent believes
 to be the Rev. James Raleigh, Roman Catholic curate
 of that parish, handed to the other officiating priest, a
 silver vessel, which she has since heard contained what
 is called the Host.

"Saith, that the elder priest proceeded onward from
 the altar, and was preceded by the younger, who, on
 coming up to where deponent was standing, called out to
 her, in a loud and angry voice, to kneel down, or imme-
 diately leave the chapel.

"Saith, that she, this deponent, answered him that she
 could not do so, and immediately she heard the words
 'bloody heretic,' and said Raleigh then pushed this de-
 ponent down on her knees.

"Saith, that as soon as she got up, she stated that 'if
 to be a Protestant was to be a bloody heretic, she was
 one,' and saith, that on recovering from the agitation in-
 duced by the harsh treatment she experienced, she saw
 the said Raleigh rudely pushing from the chapel another
 female, whom she knew to be a Protestant, and whom he
 put outside the door, and shut the same in her face.

"Saith, that on getting out of the chapel, such was
 the treatment she received there, that she was obliged to
 lean against the outward wall before she could recover
 sufficient strength to proceed home. And saith that she
 has not since recovered the effects of the treatment
 she received. Deponent positively saith she does not
 make this affidavit from any vindictive feeling, but with
 a view to substantiate the statement already made by

her to the Rev. Dawson Massy, and as an act of justice to him.

“Sworn before me, this 15th day of April, 1839.

G. H. FITZGERALD, Mayor of Limerick.”

That this affidavit should not go before the world recommended only by its own intrinsic merits; and that the Reverend promoter and procurer of it should appear under all the impress which a character for fervent zeal and devotion and sanctity never fails to produce, the *Limerick Chronicle* accompanied his epistle and *her* affidavit with the following praises:

“The reader will find in our columns this day, a letter from the Rev. Dawson Massy, relative to an outrage upon a Protestant lady in a Roman Catholic chapel, during Passion week. Annexed to this letter is the affidavit of that lady, one of his parishioners, describing the unmanly outrage which she had in the first instance communicated to her pastor, and which he felt it his duty to proclaim, from the narrative of his parishioner. The exposure did create a feeling of amazement and indignation in the public mind, which was not abated by the mistake a Protestant would naturally incur by naming one chapel for another, not being of course *au fait* to their various denominations, and probably never having been within their precincts before. The fact, however, of the assault, was too impressive, and that now rests upon the relative credit of a lady, who has been obliged to corroborate her statement by an oath in reply to the denial of the Rev. Mr. Raleigh, curate of St. Michael’s chapel, whose letter appeared in our last. The Rev. D. Massy asserts the high respectability of this young lady, and we ask is there a Protestant, Roman Catholic or Dissenter, in the city of Limerick, acquainted with the character of that clergyman, to believe for an instant, that *he* would adopt a groundless charge of crimination against any human being? His holy ministry, his well known innate piety, and his boundless love of gospel truth, afford a triumphant refutation of the vile absurdity. A fervent zeal and devotion which never tires, a spirit of charity pure and dis-

interested as ever warmed the breast of a christian pastor, are the characteristics of the Rev. Dawson Massy, while on his Master's mission for the last five years in St. Michael's parish, where his labors, too, thanks to the Divine blessing, have been attended with abundant fruits. Did such a clergyman merit the coarse and reproachful language applied by the Rev. Mr. Raleigh, because he had vindicated the cause of the oppressed and defenceless? Abuse is not proof against argument—*'Non tali auxilio, nec defensoribus, istis tempus eget.'* The Rev. Mr. Raleigh must take new ground, if he can expect 'to rail the seal off the bond' which is now in legitimate form before the public. The Rev. Mr. Massy, conscious of having done his duty, may rely with confidence upon the good opinion and support of all worthy men."

The Rev. Mr. Raleigh, on the day subsequent to the appearance of the preceding documents, addressed a short letter to the editor of the *Chronicle*, upon whom a new light appears to be breaking. In introducing it he says—

"The friends of truth will be happy to see this extraordinary affair, *which has now assumed a new coloring*, satisfactorily and clearly elucidated before a proper tribunal, where all parties must have a clear hearing."

"TO THE EDITOR OF THE LIMERICK CHRONICLE.

"SIR—You and every unprejudiced person, must easily perceive, that the *meek epistle* of the Rev. Dawson Massy, the *nameless* affidavit, so far short of the former statement, and so contradictory to itself, and the *well tempered* and *gentlemanlike* article of the Standard, leave the charge against me as *unsupported* and as *fictitious* as ever.

"I am sustained by eye witnesses, and furnished with *authentic* documents, which will prove before the proper tribunal, the whole transaction to be what I have already designated it, 'a gross falsehood, and a malicious fabrication.'

"I remain, sir, with great respect, your obliged, and obedient servant,

"JAMES RALEIGH, V. P., St. Michael's.

"*Sexton street, April 17.*"

This is the last publication connected with this "extraordinary affair," which we have been able to trace—and we believe there was no other—until we find it before the "proper tribunal," where, as the Limerick Chronicle said, "all parties must have a hearing." But no—there was no hearing, and the Rev. Mr. Dawson Massy was prevented, by a compromise, which it is deeply to be regretted should ever have taken place, no matter by whom recommended or sanctioned, from establishing the case got up against the Catholic clergy by "his well known innate piety—his boundless love of gospel truth—his fervent zeal and devotion which never tire—and his spirit of charity, pure and disinterested as ever warmed the heart of a Christian pastor!" Great attributes are these, and we can only condole with those who invested him with them, that instead of exhibiting them to the admiration of the expected auditory who assembled from all places to listen to his praises—to behold that "young unprotected Protestant, his parishioner," and to hear her narrate the affecting story detailed in her affidavit, he appeared as a repentant defamer of the priest's character, averting by his written act of contrition, the consequences which must have followed if the case had been gone into. "Deep regret he expresses certainly at having," now that he has more fully investigated the matter, countenanced any publication which threw any imputation on the character or conduct of the Rev. gentleman whom he had so grossly libelled; to which he adds an apology, and a consent that a verdict shall be entered against him for costs. Here is the letter of apology and the consent read in open court:

"Raleigh v. Massy.

"SIR—In reference to the subject matter of this action brought by you against me; having now more fully investigated the subject, I beg leave to express my deep regret at having interfered in countenancing any publication which threw any imputation on your character or conduct, and to express my further regret, that the imputation on your character should have been occasioned

by any proceeding on my part—and understanding that you do not attribute my conduct to any malicious or unworthy motive, I offer you this apology, and consent that a verdict shall be entered for you with costs, to be taxed between party and party.

“For the Rev. DAWSON MASSY.

“James M’Mahon, *his Attorney*.

“Cork, July 29th, 1839.”

And annexed is the apology of the proprietor of the *Standard*, in which Mr. Dawson Massy published his matter, and which accompanied it with observations quite as outrageous and libellous:

Raleigh v. Dartnell.

“SIR—With reference to the subject matter of the action, brought against me, I beg leave to express my regret at the publication of the charges and imputations which appeared in my paper relative to your conduct and character. I have no hesitation in retracting all offensive expressions towards you, which were inserted in my newspaper, and I offer you this apology, and consent that a verdict be entered for you, with costs, to be taxed between party and party.

“EDWARD TAYLOR DARTNELL.

“To Rev. JAMES RALEIGH.”

Here is the case which has been withdrawn from public inquiry by an injudicious settlement. It is compiled from every document to which we could get access, and we challenge any complaint impeaching its fidelity and accuracy. When we found that the case was settled, and recollected that the original libel, and all the letters persisting in it up to the last moment, were published in the English and Irish Tory papers, and came back to us commented upon in a spirit kindred to that which gave birth to the outrageous fabrication, we deemed it our duty to try back and to lay the circumstances in a

connected shape before the public, satisfied that the plain tale alone is sufficient to expose, in all its hideous deformity, *that system—of which this case is only one ramification*—of malignant slander and calumny directed against the Catholic Clergy. What ingredient that is necessary to make up the greatest amount of baseness that could be congregated in any one bad act is there not to be found in this proceeding, from the fraud and falsehood in which it originated down to the swearing with which it was sought to be propped up by the “young protected Protestant,” the Rev. Mr. Massy’s parishioner? *And yet this is but one of countless fabrications, of a similar nature*, and having the same object in view, which the Tory Journals are every day outpouring—not tangible, as this has been made by circumstances, but as palpably false on the face of them though the cowardly slanderers who invent or issue them will afford no clue by which they can be exposed. It was our intention to have adverted to, and published, several of these infamous falsehoods, as they appeared under the headings given above, in the journals which at once degraded themselves and outrage truth and decency by publishing them, and we proposed to show from various combining circumstances, that they were got up in concert, and were a part of an arranged system which had for its object—so far as such unmanly instruments could effect it—to blight and blast the character of the Catholic Clergy as a body. But we must defer doing so until our next number, and we shall then have to draw largely upon the *Constitution* files for as gross and infamous falsehoods as even those of its Limerick colleagues and associates supply. When we have disposed of them, we will again ask the question—should not means be resorted to, to protect the Catholic Clergy from these malignant attacks?

Beaufort, S. C. 17th Sept. 1839.

To the EDITORS of the Courier:

GENTLEMEN,—Please give the underwritten reply to Bishop ENGLAND, a place in your paper. I am glad that you have adopted the rule which you published. I think it very reasonable; and however expensive, it relieves me from the pain I before felt in tresspassing upon your courtesy.

I have the honor to remain,
Your most ob't. servant,

RICHARD FULLER.

From the *Courier* of September 23, 1839.

To the RIGHT REV. BISHOP ENGLAND:

REV. SIR,—I protest against the use you make of a mere pleasantry of mine as to “saving you from insolvency;” and every candid reader will unite with me in this protest. You yourself must have felt that I alluded not to your poverty, but your prolixity. Was it, then, generous, or fair, to supply your lack of argument by this appeal to the evil passions of your readers? Judging from your note to the editors, offering to “pay their bill on presentation,” I conclude that your exchequer is in a much better state than my own—which, truth to say, utterly forbids me making any such offer, and earnestly deprecates any such “presentation” just now.

The only part of your letter requiring notice is that which refers to the Canon of the Lateran Council; and I assure you, sir, that I have examined your remarks, and read over and over the passage you adduce, in the hope of finding some satisfactory explanation. The subject is one of most grave and solemn importance to the community, inasmuch as you assured me in your very first note

that "your religion you hold now as to doctrine, as it was held at all times;" and, indeed, the catechism, now issued by you in Charleston, contains the following questions and answers for the Catechumen:

Q. "From whom are we to learn the doctrines of Christ?"

A. "From the bishops who have succeeded to the Apostles, as the first Christians learned them from the Apostles."

Q. "Cannot these bishops teach us erroneous doctrines instead of truth?"

A. "No; we will infallibly receive the doctrine of Christ from the great body of bishops with the Pope at their head."

As you claim, therefore, infallibility, and affirm that the doctrines of your church are now what they always were, (and, of course, would be enforced if you possessed the power,) it is the imperious duty of every citizen to inform himself what these doctrines were. At present I restrict my enquiry to the Lateran decision.

As to this you charge Faber with "dishonest garbling;" but to my mind his argument appears conclusive, and your accusation entirely unfounded. I really hope that the community will read Faber's work. For research and impartiality, he had scarcely any superior in England; and your letters, now before me, furnish one strong confirmation of my remark that "his character defies any assault."

What is the charge of Faber? It is this. The Lateran Council lays down the broad principle that an oath, however solemnly taken, must be violated when such violation is required by the interests of the church, or the enactments of the fathers. How does he show this? By giving the words of the Council, "*for oaths are not to be esteemed oaths, but rather perjury, when they oppose ecclesiastical utility, and the enactments of the holy fathers.*" Now let it be remembered; (1) That as to this "ecclesiastical utility," the church itself is the sole judge. (2) That if there be no enactment of the holy fathers, the church can at once pass them. (3) That

oaths against ecclesiastical utility and such enactments, are pronounced, *not only not binding*, but "*perjury*," and, therefore, their violation is a duty to God. Let these things be borne in mind, and I ask, is not Faber's assertion fully substantiated? And is not my affirmation incontestible, that "the third Lateran Council, makes not only falsehood, but perjury, a virtue in behalf of the Church?" Nor do I perceive any thing in your remarks to rebut these conclusions. What are your arguments? I will state their substances as I understand them—requesting our readers to refer to your letters, and correct me, if I do not place them in the strongest light.

First, you draw an idle distinction, and deny that the council authorises falsehood, even if it does perjury. But are you serious? Perjury is falsehood in its most aggravated form; and if the Lateran decree justifies this, and makes this a duty, much more does it justify falsehood in its simplest and lowest degree. This is exactly what I said—"not only falsehood (i. e. simple untruth) but perjury, &c."

But you deny that the council makes perjury a duty; and you enter upon a course of argument which, I confess, amazes me, and to which I entreat the serious attention of the public.

1. You ask me this general question—"Would an oath taken by a citizen of our State against its public welfare be considered obligatory? Would the court which should decide that the citizen who took it, and continued to adhere to it, was not bound by that oath, upon the ground that it was not an oath, but perjury, be justly accused of teaching that perjury was lawful?" Here is a general question put, and I have read it again and again, and submitted it to two gentlemen of the bar, as I could scarcely believe my own eyes. What! if South Carolina and Georgia were engaged in a suit before the United States Court, and I were a witness, sworn to speak the whole truth, and my testimony would decide the cause against the state, do you ask whether I would be bound to reveal the truth? Sir, you tell me what is "perjury among Catholics;" but I tell you that if

in such a case, a witness should wilfully suppress any thing, Protestants would punish and brand him as a perjurer; and a Protestant judge and jury would regard his knavery as only surpassed by his folly, were he to plead "that an oath taken by a citizen of our state against its public welfare is not obligatory."

2. You refer me to the xxi. chapter of Paley, which is nothing at all to the purpose. You put the case of the American Revolution, viz: a nation throwing off the yoke of oppression, which is nothing at all to the purpose. You cite the instance of the Protestant princes, who required the Catholics at the council of Trent to be governed "only by the holy scriptures," and not by oaths which were directly against those scriptures, which is nothing at all to the purpose. Sir, have compassion for my purse, if you have none for your own.

3. You allege, and with an air of apparent confidence which is surprising, that the context proves Faber to be guilty of "dishonest garbling." As well might I bring this accusation against you, for giving still only an extract of the decree. Faber quoted all that was necessary; viz: *the general rule recognised by the whole church*. The context cited by you, shows that the Lateran Council did not *enact* this rule, but that it was *an established principle, which they adduce to regulate a particular case*. The particular case was this. A majority of the Church is supposed to pass an ordinance, (as this very Lateran Council imposed upon Catholics the obligation of destroying, as heretics, all who would not join the church, I will take this as an example.) The minority is supposed to resist this ordinance, on the ground that their oaths prevent their obedience, (pursuing my hypothesis, I make them urge against burning heretics, not only the law of God forbidding murder, but their oaths.) How does the council settle this particular case? Does it simply say, that in church discipline the majority must govern? By no means. It requires the minority to co-operate in all cases, "because" (*here is the general principle*) "oaths are not to be esteemed oaths, but rather perjury, when they conflict with the

utility of the church, or the enactments of the fathers"—that is to say, such oaths are not merely of no force, but "*perjury*," and, therefore, it is a virtue to violate them. Now, at that time your church began to depose Monarchs; and the most common oaths which stood in its way, were those of allegiance. It was, too, a vast body whose decisions were not merely ecclesiastical regulations for discipline, but laws for the whole of Europe; and I ask, can any thing be plainer than that this Canon requires the violation of every oath, whenever "the interest of the church" should demand it?

4. Nor, sir, do you reprobate this shocking principle, if I understand you, but defend it. You say, your church "was then the aggregate of the civilized world: and believed by the bulk of christendom, to be the church established by Christ to lead man to salvation," and you maintain that "oaths;" (*all oaths no matter how awful*) "against the utility of this body were not oaths but perjuries." I appeal to your last letter, where this monstrous proposition—the very one charged upon the council in 1179 by Faber, is by you vindicated in 1839! And that I am not mistaken is plain, since you argue the point, and give your reasons. With all its ambiguity, your argument, if I err not, stands thus—1st. Every citizen is bound by the constitution. 2d. But his obligation to this constitution, and to his oaths under it, is inferior to the obligation he owes to the divine law. 3d. The Roman Catholic church is in the place of God, it is "the church established by Christ, to lead man to salvation," and its "utility and enactments" are of the same force as the divine law. 4th. Therefore any oath taken by a citizen under the constitution of his state is not only not binding, but is perjury, and to be unscrupulously violated, if the interests and enactments of the Church require such violation!!!

Rev. sir, I look at this argument with undissembled grief and alarm. I am unwilling to believe that you will continue to uphold it, whatever the Lateran Council taught, I regret that, at the commencement of this letter, a single word escaped me, which breathed not the

deepest solemnity. My duty to God and my country, bids me be serious now, if ever I was serious in my life. If "these are the principles which you have been taught by Roman Catholic authors and by Roman Catholic professors;"—if "these are the principles which you find recognised in all the enactments and interpretations of Roman Catholic councils;"—What must a Protestant community say? How inadequate has been our gratitude to Almighty God for a reformation, which has put once more into your hands the Bible, the lamp ordained "by Christ, to lead man to salvation;" and emancipated our conscience from a tyranny—whose only rule is its own arbitrary enactments, and which, to "utility" sacrifices not only the constitution of States, but the awful sanctions of the most sacred appeals to heaven.

Sir, believe me when I tell you, that I say these things in sorrow. God is my witness that my tears are on the paper while I write. Forgive me, sir, you must forgive me, but when I think of the souls whose everlasting destinies depend on you, I am unable to repress my feelings. Death has been busy in your fair city. Afflicted Charleston! one hundred years ago Whitfield said that her motto was "chastened, yet not corrected." Already two watchmen have been called to the irreversible retributions of eternity; and to-morrow, perhaps, you and I may stand at the foot of the august tribunal. In view of that judgment seat, and as you would face the Judge in peace, I implore you, Rev. sir, cease from doctrines which the word of God condemns: abandon a claim to infallibility, which will involve you forever in attempts to defend error, and which Jehovah frowns upon as an impious usurpation: leave the councils, and the Roman Catholic authors, which have been, you say, your teachers, and take for yourself, and give to your flock, that book—which alone can guide man with unerring wisdom—and which, while it denounces as blasphemy all human pretensions to forgive sins, leads us to the fountain open for sin, and lifts on high that cross before whose majesty pursuing justice stops in reverence crowding and under whose shelter the guiltiest thing

finds pardon and peace here, and immortal glory beyond the tomb.

I have finished this just in time for the mail. Should I keep it a day I might perhaps expunge these closing remarks. But I send them. Slighted by you, they will be, but, at least, you cannot misinterpret nor be displeased with my motives, however you may esteem them a weakness—and I know that in a dying hour, I shall feel no regret for having penned these lines.

Some observations I had designed on the singular way you have, when I adduce the most distinguished historians—even Catholics like De Thou—of replying that somebody (not informing me who) abused them for telling the truth. But I have neither time, nor a heart to descend to such subjects now. The Tax-book, clearly as I have proved it, appears to me a trifle, when compared with this Lateran decree, which you openly justify.

And now, sir, as this is, I hope, my last communication, let me beg that we may part at least not in anger. If, in any of my papers, I have uttered a single expression wounding to your feelings, forgive it. We are strangers; and will probably continue so until that day, when the great white throne shall be piled for judgment, and the secrets of all hearts be revealed. For that day, may we both be prepared, and in anticipation of its tremendous details, may we both walk humbly in the fear of God, and live in peace with each other, and with all the world!

I have the honor to remain, Rev. sir,

Your most obedient and humble servant,

RICHARD FULLER.

From the *Courier* of Sept. 25, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—I beg leave, in reply to your letter in the *Courier* of this morning, to say:

1st. I had not as clear a perception as you assume that I had, respecting your allusion to “saving me from insolvency.” Your statement respecting your meaning is to me, in this case, evidence, and I make you every concession you desire.

2d. You insist that the third council of Lateran taught that falsehood and perjury were virtues, when committed for the good of the church.

To fasten upon me and upon all Catholics the doctrine of that Council, you have recourse to the Catechism of this diocese and to our tenet of the infallibility of the church. I grant you upon this subject all that I can, viz. I am bound by every thing that council taught regarding faith and morals. I believe that what it taught regarding oaths is the doctrine of God.

Your effort is to save from the charge of dishonest garbling, G. S. Faber, who took out of the body of a canon one of many propositions which it contains, and sought upon this isolated proposition, so stripped of its context, to establish his charge. I leave to those who read the canon to say whether you have succeeded.

I was taught that *transitus a dicto secundum quid ad dictum simpliciter* was a sophism. That is, that the reasoning was not good which drew an universal conclusion from particular premises. The council was legislating for a particular case; the maxim referred to that class which contained this case, viz. what Paley designates under the head of oaths to observe local statutes; and Mr. Faber’s logic and yours is to draw from these particular premises an universal conclusion, embracing all classes of oaths. I am greatly mistaken in my estimate of the mind of South Carolina, if it will not detect and appreciate as it ought this effort.

The chapters were ecclesiastical bodies, their local and particular regulations were not to be in opposition to the utility of the Church, nor in opposition to the enactments of the fathers, that is of the general legislative body, but were to be subservient to the first and in accordance with the second. The original principle was that their capitular acts should be those of the more numerous and the elder portion of the body. This was in keeping with the "utility of the church and the enactments of the fathers." Abuses are introduced by which the acts of these bodies are in some places obstructed by the factious and self-willed and unreasonable opposition of the minority and the juniors. They allege that this is a custom which they have sworn to observe: the supreme ecclesiastical legislature enacts that the abuse should be abolished, and declares that the oath of ecclesiastics to observe a pernicious abuse to the injury of that church, to sustain which that chapter was created, was not an oath but a perjury; because it was against the object of their institution, and against the enactments of the supreme legislative body of the society. Now, this principle applies here to the particular case, and it does not assert that an oath taken by a citizen to fulfil his duties as a sheriff, as a judge, as a soldier, is to be regulated by the enactments of the fathers, but by the purity of reasoning that such oaths are to be regulated by the legislatures which create and control these officers respectively.

Again you extend the principle to oaths regarding testimony. This is a different class of oaths, and the sophistry is if possible worse, because the maxim in no way has relation to such oaths. In this case, it is what the old school-men call "*transitus a genere ad genus*," or shifting the question and changing the terms.

In noticing the distinction between falsehood and perjury, I only followed you. Faber said nothing of falsehood; he was content with perjury, but you added falsehood.

My general question, as you call it, regarded not oaths in testimony, as was evident from the whole context, but

oaths to observe local statutes or customs. The case which you put is a case of testimony, and has no relation whatever to the case on which I put the question. How did you overlook what I wrote regarding oaths on testimony when I was on that subject?

“If we swear to declare the truth and do not declare it, it would be perjury; and should a man attempt to bind me by the form of an oath to declare a falsehood, I would be guilty of perjury in going through the form which I profaned; but not only am I not compelled by this form to tell a lie, but I am obliged to go against the words by which I appeared to be bound, because it is no oath, but a perjury.”

Thus, sir, in your case between Georgia and South Carolina, the witness who, being sworn, would not testify “truth—the whole truth—and nothing but the truth”—would testify an untruth, and would conceal the truth or would equivocate or misrepresent; would be guilty of perjury, because he would not have sworn *in truth*, and if he concealed what it would be conducive to justice to make known, or falsely suggested what was calculated to produce injustice, he would be guilty of perjury, for his oath would not be *in justice*; and he could not be excused by his own state for his perjury, upon the ground that it was done for her welfare, because even if injustice and perjury tended to her utility, evil is not to be done that good may arise therefrom, and there can be no greater evil than unjust falsehood under cover of the semblance of an oath. Neither the utility of the church nor the utility of the state will justify or palliate it.

You have read the XIII. Chapter of our Catechism. I suppose you had the curiosity to read XIX. also. If so, how did you avoid noticing the following questions and answers?

Q. What else is commanded by the second commandment?

A. To keep our lawful oaths and vows.

Q. What is forbidden by this commandment?

A. All *false*, rash, *unjust* and unnecessary oaths; also cursing, swearing, blaspheming and profane words.—Matt. v. 34. S. James v. 12.

Q. Is it ever lawful to swear?

A. It is: when God's honor, our own or our neighbor's good, or necessary defence, requires it.

Q. What do you mean by an unjust oath?

A. An oath injurious to God, to ourselves, or to our neighbor.

Q. Is a person obliged to keep an unjust oath?

A. No: he sinned in taking it, and would sin also in keeping it.

Q. Is a person obliged to keep a lawful oath?

A. Yes: and it would be perjury to break it.

Q. What is perjury?

A. The breaking of a lawful oath, or the taking of an unlawful one.

Q. Is perjury a great crime?

A. It is a most grievous one.

Now, I shall suppose you read the XX. Chapter. How did you overlook the following:

Q. What is forbidden by the eighth commandment?

A. *All false testimony, rash judgments and lies.*

Q. Is it lawful to tell an innocent or jocose lie, or to tell a lie for a good purpose?

A. *No lie can be lawful or innocent, and no motive, however good, can excuse a lie, because a lie is always sinful and bad in itself.*—John viii. 44.

Q. What else is forbidden by the eighth commandment?

A. Backbiting, calumny and detraction, and *all words and speeches hurtful to our neighbor's honor or reputation.*

Q. What is commanded by the eighth commandment?

A. To speak of others with justice and charity, as we would be glad they would speak of us, and *to witness the truth in all things.*

Now, after having read the above, I am confident you will regard the following question and answer which conclude the chapter, as fully exhibiting the spirit of that Bible whose maxims you so earnestly commend to my attention.

Q. What must they do, *who have given false evidence against a neighbor, or who have spoken ill of them, or injured his character in any respect?*

A. They must repair the injury done him as far as they are able, and make him satisfaction by restoring his good name as soon as possible, otherwise the sin will never be forgiven them.

In the XXI. are the following questions and answers, which are in keeping with those quoted above:

Q. How am I to love my neighbor as myself?

A. *As you would, says Christ, that men should do unto you, do you also unto them in like manner.* Luke vi. 31.

Q. What particular duties are required of me by that rule?

A. Never to injure your neighbor by word or deed in his person, property *or character*: to wish well to him, as far as you are able, in his spiritual and corporal necessities.

Q. Am I obliged to love my enemies?

A. Most certainly. *Love your enemies, says Christ, do good to them that hate you: bless them that curse you, and pray for them that persecute and calumniate you.* Luke vi. Matt. v.

I shall conclude this catechetical instruction which exhibits our relative duties, with two questions and answers, which conclude the XVII. Chapter.

Q. Who is my neighbor?

A. Every human being.

Q. Am I to consider those persons who are opposed to the true religion as my neighbors?

A. Yes, undoubtedly: to punish for voluntary error is the prerogative of God: to show mercy and kindness to his fellow-mortals is the duty of man. *Luke x. 37.*

Now, sir, I leave to yourself and the "two gentlemen of the bar" to decide in which category you will place the attempt to confound the two classes of oaths which every jurist distinguishes, and to apply a maxim which regards an oath to observe local statutes, to an oath to give true testimony. I shall not call it "knavery" or "folly," or fraud. I shall leave to our readers to form their own opinion.

Your opinion of the applicability of Paley's reasoning is not mine. It is for our readers to judge which is correct. The case of the patriots of the revolution I consider quite in point. The Protestant princes I shall suppose, considered the principles of the Roman Catholic Church to be abuses substituted for the original pure institutions of the Saviour. The council considered the bad customs of a minority of some of the chapters to be abuses substituted for the original sound institutions by which they were established. The bishops were sworn to observe the principles of the church; the members of the chapters were sworn to observe the customs of their churches. The Protestant princes said that an oath to sustain an abuse against the pure original institution should not be obligatory on the bishops. The council said that an oath to sustain an abuse against the original sound institution was perjury and no oath. I apprehend there never was a more perfect parallel.

Your paragraph marked 3, is, in my view, one of the most unfortunate that has escaped from your pen.

Faber quotes a couple of lines out of a canon which contains about twenty; by separating the proposition which his extract contains from the context which surrounds it, he takes a dishonest occasion of extending its application beyond its meaning in the canon, without giving the deceived reader an opportunity of detecting his imposture. I quote every word of the canon, and you tell me that I am equally guilty of dishonest garbling as he was. I thank you, sir, for your courtesy; and I appeal to our readers from your injustice!

You say that what he quoted was the *general rule recognized as law by the whole church*. It was, sir, but only for that class of cases to which it was applicable. That class, sir, was the particular one, of oaths to observe local statutes, or customs of particular churches. It extended generally to each individual case of this class, but not beyond that class itself; and the dishonesty consisted in representing it to extend to other classes, for instance, to oaths of witnesses. I shall in another place notice more fully your exemplification of "destroy-

ing heretics." For the present I tell you that this council made no "ordinance obliging Catholics to destroy as heretics all who would not join the church." The argument you found on this supposition, is, therefore, baseless; for first, the fact is not as you state or suppose, and next, if the fact were as you suppose, the maxim would not apply to such a case.

Your next effort in this same paragraph is to extend the application of the maxims to oaths of allegiance. They are of a different class altogether. They are based upon a contract between him to whom the oath is taken and those who take it. The king of England by his misgovernment of the old thirteen colonies, violated his duty, and thereby his subjects in those colonies were absolved from the obligation of their oaths. Other cases have arisen in which upon just principles subjects were also thus absolved. I shall in its proper place show that in your allusion to this you are by no means sustaining your conclusion.

In your paragraph marked 4, you exhibit me unfairly. You charge me with sustaining the "shocking principle" that the maxim of law which refers to oaths to observe local statutes extends to every oath. Sir, I sustain no such principle. You exhibit me as making the Roman Catholic Church in 1179, claim a power to destroy the first principles of morality, and for this purpose you put into my mouth a semblance of reasoning which I never used.

My argument, sir, would have been more fairly put in this way. Man's first duty is to observe the divine law; but the divine law requires that an oath shall bind when it is taken in truth, in judgment and in justice, and that it shall not bind when either of these conditions is wanted. The divine law is paramount to every other law, constitution, tribunal or authority. Therefore no law, constitution, tribunal or authority, can allow a man to swear falsely, to swear in support of injustice, or to swear rashly or injudiciously or profanely. No tribunal, civil or ecclesiastical, can do what God himself could not do! he cannot do what is incompatible with his di-

vine attributes: the sanctioning of perjury would be incompatible therewith, and therefore no tribunal could sanction it. This was my reasoning, and I cannot feel you treat me justly in your effort to distort it. Badly and ambiguously as I write, I do not wish for such a commentator as you are. I leave your effort and my explanation in the hands of our readers. I never said that the enactments of the church were of the same force as the divine law. I never said that the utility of the church was of the same force as the divine law, and therefore you have untruly attributed to me the contents of your 3d specification, which you call my argument. The value of the conclusion which you draw under the 4th specification depends upon the truth of the contents of the 3d. Its contents are untrue.

Sir, Europe and America, I may add Asia and Africa, indeed I may say, Heaven and Earth, have, during upwards of two centuries, witnessed the practical refutation of the cruel libel which you copy from Mr. Faber. It is written, sir, by the hand of desolation in characters of plunder, of blood, of confiscation, of tyranny and ruin, to which paganism affords no parallel; and in the midst of the appalling exhibition, Protestantism proclaims to the universe that the strongest bond upon a Catholic is the respect in which he holds the sanctity of an oath!

When the genius of Protestant ascendancy sought the ruin of Catholics in England, in Ireland, in Scotland, and in the British colonies, its most formidable weapon was an oath! They who took it were to receive the dignities of the State, the wealth of the land, the honors of the world. They who refused it, saw themselves doomed to the loss of their goods, the confiscation of their estates, the degradation of infamy, the exclusion from power and from place; to prison, to banishment and to death. What you would call the utility of their church, would be promoted by their perjury; at intervals their pitying friends proposed ambiguous modifications to be substituted for the words to which they objected. Their church proclaimed the unchanged truth; it is criminal to palter with

ambiguity. You must swear according to the ascertained and published intention of him who proposes the oath. They respect the oath, and they and their descendants in successive millions through succeeding generations have been the victims to their veneration for an oath! The Protestant rulers knew their principles and they profited by the knowledge: they were enriched by their property, they were stained by their blood, and in the worst spirit of criminality, they added calumny to cruelty, and proclaimed to the astonished world, that their victims who had sacrificed every thing to their respect for an oath, could be bound by no oath, when there was question of the utility of their church!! Mr. Faber has garbled dishonestly a canon to sustain the calumny, and Mr. Fuller distorts my statements to protect him!

As you kindly shoot a couple of arrows at me upon your departure, I cannot but make my acknowledgments.

You talk of destroying heretics, and of deposing monarchs. They are thread-bare themes in Europe; but every day convinces me that we shall still unfortunately have to go over the ground for years in America. Be it so!

Nearly fourteen years have elapsed since I had the honor of addressing our Congress upon these as well as other topics. At the request of some of the members, I wrote and published the substance of what I said on that occasion. I shall beg leave again to use my own words. I apprehend that you attributed to the third council of Lateran held in 1179, the canon of the fourth held in 1215. Speaking of it, I said:

“We now come to examine what are called the persecuting laws of our church. In the year 1215, at the council of Lateran, certain heresies were condemned by the first canon; and amongst other things this canon recites as Catholic faith in opposition to the errors of those whom it condemned: that there was but one God, the creator of all things, of spirits as well as bodies; the author of the old Testament and of the Mosiac dispensation equally as of the New Testament and of the Christian dispensation: that he created not only the good

angels, but also the devil and the bad angels, originally coming good from his hand, and becoming wicked by their own malice, &c. In its third canon it excommunicates those heretics, and declares them to be separated from the body of the church. Then follows a direction, that the heretics so condemned, are to be given up to the secular powers, or to their bailiffs, to be duly punished. This direction continues to require of all bishops and others having authority, to make due search within their several districts for those heretics, and if they will not be induced to retract their errors, desires that they should be delivered over to be punished. There is an injunction then to all temporal lords to cleanse their dominions by exterminating those heretics; and if they will not, within a year from having been so admonished by the church, cleanse their lands of *this heretical filth*, they shall be deprived if they have superior lords, and if they be superior lords and be negligent, it shall be the duty of the metropolitan and his provincial bishops to excommunicate them, and if any one of those lords paramount so excommunicated for this negligence, shall continue during twelve months under the excommunication, the metropolitan shall certify the same to the Pope, who, finding admonition useless shall depose this prince, and absolve his subjects from their oaths of fealty, and deliver the territory over to Catholics, who, having exterminated the heretics, shall remain in peaceable possession."

"This is the most formidable evidence adduced against the position which I have laid down, that it is not a doctrine of our church, that we are bound to persecute those who differ from us in belief. I trust that I shall not occupy very much of your time in showing, that this enactment does not in any way weaken that assertion. I shall do so, by satisfying you that this is a special law for a particular case; and also by convincing you that it is not a canon of the church respecting any of those points in which we admit her infallibility; nor is this order, a canon of the church."

"The doctrines condemned in the first canon originated in Syria, touched lightly at the islands of the Archipe-

lago, settled down in Bulgaria, and spread into the south of Europe, but were principally received in the vicinity of Albi, in France. The person condemned held the Manichean principle of there being two creators of the universe; one a good being, the author of the New Testament, the creator of good angels, and generally of spiritual essence; the other evil being, the creator of bodies, the author of the Mosaic dispensation, and generally of the Old Testament. They stated that marriage was unlawful, and co-operation with the principle of evil was criminal. The consequences to society were of the very worst description, immoral, dismal, and desolating. The church examined the doctrine, condemned it as heretical, and cut off those who held or abetted it, from her communion. Here, according to the principles which I have maintained before you, her power ended. Beyond this we claim no authority; the church, by divine right, we say, infallibly testifies what doctrine Christ has revealed, and by the same right, in the same manner, decides that what contradicts this revelation is erroneous; but she has no divine authority to make a law which shall strip of their property, or consign to the executioner, those whom she convicts of error. The doctrine of our obligation to submit does not extend to force us to submit to an usurpation; and if the church made a law upon a subject beyond her commission for legislation it would be invalid; there would be no proper claim for our obedience: usurpation does not create a right. The council could by right make the doctrinal decision; but it had no right to make the temporal enactment; and where there exists no right to legislate on one side, there is no obligation of obedience on the other. If this was then a canon of the church, it was not one in making which she was acting within her constitutional jurisdiction, it was an usurpation of temporal government, and the doctrine of infallibility does not bear upon it."

"Every document respecting this council, the entire of the evidence regarding it, as well as the very mode of framing the enactments, prove that it was a special law regarding a particular case. The only persons whose

errors were condemned at that council were those whom I have described. The general principle of legal exposition, restraining the application of penal enactments must here have full weight, and will restrain the application of the penalty to the only criminals brought within its view. But the evidence is still more confirmed by the special words of definite meaning, *this*, and *filth*, which were specially descriptive of only those persons; the first by its very nature, the second by the nature of their crime; and the continued exposition of the enactment restrained its application to the special case, though frequently attempts have been made by individuals to extend its application, not in virtue of the statute, but in virtue of analogy. It would then be improperly forcing its construction to say that its operation was to be general, as it evidently was made only for a particular case."

"In viewing the preamble to this council, as well as from our knowledge of history, we discover that this was not merely a council of the church but it was also a congress of the civilized world. The state of the times rendered such assemblages not only usual but necessary; and each legislative body did its own business by its own authority; and very generally the subjects which were decided upon by one body in one point of view, came under the consideration of the other assembly in a different point of view, and their separate decisions were often engrossed upon a joint record. Sometimes they were preserved distinct and separate, but copyists for their own convenience, brought together all the articles regarding the same subject, from what source soever they were obtained. Such was precisely the case in the instance before us. There were present on this occasion by themselves or by their legates, the king of Sicily, emperor elect of the Romans, the emperor of the East, the king of France, the king of England, the king of Arragon, the king of Jerusalem, the king of Cyprus, several other kings and lords paramount, sovereign states, and princes. Several of the bishops were princes or barons. In the ecclesiastical council, the third canon

terminated exactly in one sentence, which was that of the excommunication or separation from the church, of those whom the first canon had condemned, whatever name or names they might assume; because they had in several places several appellations, and were continually dividing off and changing names as they separated. The duty and the jurisdiction of the council came to this; and the ancient records give no more as the portion of its enactments. But the congress of the temporal powers then made the subsequent part as their enactment: and thus this penal and civil regulation was not an act of the council, but an act of the congress; and it is not a canon concerning the doctrine of the church, nor indeed is it by any means a canon, though the copyists have added it to the canon as regarding the very same subject; and as confessedly the excommunication in the third canon regarded only the special case of those particular heretics, the addition of the penal enactment to this particular canon is confirmatory evidence that those who added it knew that the penalty in the one case was only co-extensive with the excommunication in the other.

Having thus seen that this canon of the council of Lateran was not a doctrinal decision of our church, establishing the doctrine of persecution, and commanding to persecute, but that it was a civil enactment by the temporal power against persons whom they looked upon as criminals, it is more the province of the politician or of the jurist than of the divine to decide upon its propriety. I may, however, be permitted to say, that in my opinion the existence of civilized society required its enactment, though no good man can approve of several abuses which were committed under the pretext of its execution, nor can any rational man pretend that because of the existence of a special law for a particular purpose every case which may be thought analogous to that for which provision was made is to be illegally subjected to those provisions.

We are now arrived at the place where we may easily find the origin and the extent of the papal power of deposing sovereigns, and of absolving subjects from their

oaths of allegiance. To judge properly of facts, we must know their special circumstances, not their mere outline. The circumstances of Christendom were then widely different from those in which we now are placed. Europe was then under the feudal system. I have seldom found a writer, not a Catholic, who, in treating of that age and that system, has been accurate, and who has not done us very serious injustice. But a friend* of mine, who is a respectable member of your honorable body, has led me to read Hallam's account of it, and I must say that I have seldom in such a book met with so much candor, and, what I call, so much truth. From reading his statement of that system it will be plainly seen that there existed amongst the Christian potentates a sort of federation in which they bound themselves by certain regulations, and to the observance of those they were held not merely by their oaths but by various penalties, sometimes they consented the penalty should be the loss of their station. It was of course necessary to ascertain that the fact existed before its consequences should be declared to follow; it was also necessary to establish some tribunal to examine and to decide as to the existence of the fact itself, and to proclaim that existence. Amongst independent sovereigns there was no superior, and it was natural to fear that mutual jealousy would create great difficulty in selecting a chief: and that what originated in concession might afterwards be claimed as a right. They were however all members of one church, of which the Pope was the head, and, in this respect, their common father; and by universal consent it was regulated that he should examine, ascertain the fact, proclaim it, and declare its consequences. Thus he did in reality possess the power of deposing monarchs, and of absolving their subjects from oaths of fealty, but only those monarchs who were members of that federation, and in the case legally provided for, and by their concession, not by divine right, and during the term of that federation, and the existence of his commission. He

* Col. William Drayton.

governed the church by divine right, he deposed kings and absolved subjects from their allegiance by human concession. I preach the doctrines of my church by divine right, but I preach from this spot not by that right, but by the permission of others.

“It is not then a doctrine of our church, that the Pope has been divinely commissioned either to depose kings or to interfere with republics, or to absolve the subjects of the former from their allegiance, or interfere with the civil concerns of the latter. When the persecuted English Catholics, under Elizabeth, found the Pope making an unfounded claim to this right, and upon the shadow of that unfounded right making inroads upon their national independence, by declaring who should or who should not be their temporal ruler, they well showed how little they regarded his absolving them from their allegiance, for they volunteered their services to protect their liberties, which their Catholic ancestors had labored to establish. And she well found that a Catholic might safely be entrusted with the admiralty of her fleet, and that her person was secure amongst her disgraced Catholic nobility and gentry and their persecuted adherents; although the court of Rome had issued its bull of absolution, and some divines were found who endeavored to prove that what originated in voluntary concessions of states and monarchs was derived from divine institution. If then Elizabeth, of whose character I would not wish in this place to express my opinion, was safe amidst those whom she persecuted for their faith, even when the head of the church absolved them from allegiance, and if at such a moment they flocked round her standard to repel Catholic invaders who came with consecrated banners, and that it is admitted on all hands that in so doing they violate no principle of doctrine, or of discipline of their church, as we all avow: surely America need not fear for the fidelity of her Catholic citizens, whom she cherishes, and whom she receives to her bosom with affection and shelters from the persecution of others. Neither will any person attempt to establish an analogy between our federation and that of feudalism, to argue that the

Pope can do amongst us what he did amongst European potentates under circumstances widely different."

I now, sir, have noticed as briefly as I could your charge, and I receive your exhortation as I should all such addresses, with the disposition to reap from it as much useful instruction as it can impart, without regarding what was the motive with which it was given; and still farther feeling the obligation of supposing that motive good until I shall have evidence to the contrary.

Reciprocating your expressions of charity and kind feeling,

I have the honor to be, Rev. sir,
Your obedient humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, (S. C.) Sept. 23, 1839.

From the *Courier* of October 4, 1839.

To the RIGHT REV. BISHOP ENGLAND:

REV. SIR—I have the honor to acknowledge the receipt of two long communications from you since my last—one containing much Billingsgate abuse of Protestants by the editor of a furious Roman Catholic newspaper in Cork—and the other kindly furnishing me with copious extracts from an oration by yourself. As to the latter, it would be a cruelty quite revolting to my feelings, I assure you, to disturb the complacent satisfaction with which you regard your production. I once heard, in this town, your efforts to modify and mitigate the practices of Romanism; and I then charitably hoped there might be something in them. I have since, however, visited Rome; and I need not tell you with what emotions I should *now* listen to these ingenious and ambidextrous essays. The passage of your address, with which you favor me, must have provoked a smile from those of your audience who were acquainted with facts. And you did w

cipate the verdict of history and to cover and protect your assertions, by shrewdly observing that you "had seldom found a writer, not a Catholic, (you ought to have said, too, an *expurgated* Catholic) who, in treating of that age and that system, has been accurate"—that is—they all contradict *your* statements.

In reference to the Cork Reporter, and its virulence—of which you are so enamoured that you have italicised all the profusion of scurrilous epithets. I beg leave to remark, that I wish to see the other side before I form any opinion. I, sir, am neither an Irishman nor a Roman Catholic, but were I both, as you are, I could never think of Ireland without anguish of soul. Only read, I pray you, the appalling testimony recorded in several late numbers of Blackwood, and our hearts beat very differently, if you do not weep for the beautiful, but blighted, island which gave you birth, and blush for the professors of your religion there. I do entreat our readers to procure from Mr. Berrett's at least *one* number of Blackwood—that for February 1839—and study the article "*Ireland under the Triple Alliance;*" and then, to look at your homily upon the martyrs to integrity and truth! the heroes—whose glory is blazoned "by the hand of desolation in characters of plunder, of blood, of confiscation, of tyranny, of ruin, to which paganism affords no parallel," (were you thinking of the St. Bartholomew's massacre, or of the inquisition when you wrote this? it might pass for a tolerable description of either,) and on whom "Protestantism proclaims to the universe, that the strongest bond is the sanctity of an oath"—that is—an oath which the policy of Rome, and the priestcraft of the Vatican approves.

Your last letter reiterates the unfounded charge against Faber, and is garnished here and there, I am sorry to find, with some expressions, which show that in recovering your prolixity, you have lost your temper. This should not have been: St. Paul says "A Bishop must not be soon angry." The public must judge of the Lateran decree and your commentary upon it. Mr. Faber may, I think, confidently submit to the decision of all who

will examine the canon, and look to its practical exposition in the conduct of your church—for example, the perfidious treachery by which John Huss was decoyed to the council of Constance, and cruelly murdered. For myself, I perceive clearly that your council and doctrines are even more accommodating in “dodging places,” than the court of Rome, and that to pursue you farther, will be only a waste of time, for which I have other and more congenial employment. What? that “heretics were to be extirpated,” only a “special law” too!! This, sir, is venturing *too far*, even for you.

When I said that it would be as unfair in me to accuse you of garbling, as it was in you to impute this dishonesty to Faber, I never deemed it possible for you to wrest my words into anything like discourtesy. And it appears, sir, to me, that a little more courtesy, on your part, would have suppressed the terms “injustice” and “distort,” which you use; and, even, if I misconceived your argument have found apology in your own, I will not call it studied, obscurity. I always thought it a hard case, that Daniel should have been required, not only to interpret the dream of King Nebuchadnezzar, but to discover what the dream was? Let this, however, pass. I rejoice sincerely at your disclaimer of sentiments, which I before declared myself “unwilling to believe you would continue to uphold, whatever the Lateran council may have taught.” And I leave our readers to compare your first argument, with this last and expurgated version of it.

I have the honor to remain, Rev. sir,
Your most ob’t and humble servant,

RICHARD FULLER.

Beaufort, S. C., Sept. 28, 1839.

From the *Courier* of October 9, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—When your last letter appeared upon the *Courier*, I was scarcely able to read, and totally unable to write. I take advantage of the first moment that a return of health permits the use of my pen to pay my respects to your production. Some of my friends have sought to dissuade me from answering that letter, but I differ from their opinion, not in the hope of inducing you to change your view, but to afford to those who may think proper to read what I publish, the means of judging more correctly of the value of your assertions.

In your affecting to take leave of me, you have hitherto contrived to fling some new weapon, and thus afforded occasion to continue what you profess a desire of terminating. You have thus brought John Huss, and the council of Constance to support Mr. Faber. You have given to me the massacre of St. Bartholomew's, and the Inquisition, as subjects of meditation; and you have advised me to weep for the beautiful, but blighted island that gave me birth, and to blush for the professors of my religion there. All this, sir, is new matter; and I shall not, whatever may be the labor, the inconvenience, or the expense, leave it without those observations which I consider are demanded by the position which I occupy, and the just expectations of some of my fellow-citizens.

I begin with John Huss, and the council of Constance. You say, that you look for the practical exposition of the Lateran decree, in the conduct of my church, "for example, the perfidious treachery by which John Huss was decoyed to the council of Constance, and cruelly murdered."

The statement given by several Protestant writers, is, that John Huss was invited to the city of Constance, under the assurance by the Emperor Sigismund, and by the council, that he should have full protection in going thither, in remaining there, and pleading his cause, and

in returning home unmolested, whether he should be found guilty or innocent of the charges alleged against him. That he had the safe conduct, not only of the Emperor but of the Pope and council to this effect, and came to Constance, relying upon their plighted faith, and that he would not have come except upon this guaranty, and having been thus *decoyed*, he was in a *treacherous* way *perfidiously* and *cruelly murdered*, having been burned *in execution of a sentence passed by the council*. I know not how many of these allegations you are disposed to sustain, but I give your own words above.

I shall now examine this charge, as briefly as I can, and though I could avail myself of a host of witnesses, chiefly Catholic, I shall confine myself to the testimony of a Protestant writer, L'Enfant, who compiled a history of this council, which he dedicated to Frederick William, King of Prussia, in 1713.

The assertion that the Pope and council gave a safe-conduct, rests upon the unsupported surmise of, I believe, Doctor Cave: others have repeated it. But L'Enfant informs us, (1) that John Huss arrived in Constance, on the 3d of November, 1414, the very day on which the council was to have been opened, and when it was not yet organized, and had done no act whatever, of course had given no guaranty. He tells us (2) that on the day after the arrival of Huss, two Bohemian lords who had escorted him waited on the Pope, and informed him that John Huss had arrived, and had the safe-conduct of the Emperor Sigismund, and requested the Pope's protection. That they were kindly received, and assured by the Pope that he would protect Huss against any injustice so long as he would remain in Constance. Thus it is clear that he was not *decoyed* to that city by any protection from the Pope or the council. L'Enfant adds, that Huss wrote to his friends that he not only had full liberty, but that the Pope absolved him from an excommunication which he had previously incurred, upon condition that he would not attempt to officiate or to preach in Constance. The council was not opened until the 5th of November. (3) Thus he had arrived in Constance with-

out any guaranty from the Pope, and without any from the council, and two days previous to the organization of that assembly; and the extent of the Pope's promise after his arrival was that he would protect him against injustice. If then he was decoyed to Constance it was not by the Pope or by the council. Neither L'Enfant, nor any of the authors whom he consulted, and they were chiefly Hussites, alleges that he had any other guaranty save that given by the Emperor; and when the Bohemian lords demanded that he should be heard publicly before the council in his defence, they do not allege that he had any protection from that assembly, but they pleaded that the Emperor gave him a safe-conduct with an assurance that he should be heard before the fathers, (4) and, in the previous paragraph, (5) an elaborate argument is used to show that only one safe-conduct, viz. that of the Emperor, was ever given. And (6) John Huss himself, alleges his having come to the council of his own accord, and with the safe-conduct of the Emperor, and never alludes to any other. Thus the assertion that he was decoyed by the promise of protection and with the guaranty and safe-conduct of the Pope and council is a pure invention; and not only void of foundation in fact, but as ridiculous as unfounded, because the giving of such a passport and protection would be not an attribute of the Pope and council, but of the temporal government.

I now proceed to examine whether he was decoyed to Constance by the document which he received from Sigismund.

L'Enfant informs us (7) that in consequence of his having been charged with divers errors and heresies, he had appealed to the Council; he was cited to appear there, he was anxious to have the opportunity of defending himself, for he was conscious of his innocence, and that he had not gone, it would seem as if he had no confidence in the justice of his cause, and relied upon the support of the great men of Bohemia to sustain him in opposition to his superiors. In the next paragraph, (8) he informs us that when the period for the meeting of the council approached, he took the proper measures for his defence,

and that in the month of August, 1414, he requested and obtained certificates of his orthodoxy from Conrad, Archbishop of Prague, and from the Bishop of Nazareth, inquisitor of the faith in Bohemia. In this same month, a Provincial council was held at Prague, to which he demanded admittance, for the purpose of explaining his doctrine, and to notify the members that he was about to proceed to Constance for the same purpose. Admittance was refused, and he procured a notary to certify this refusal, and had it subscribed by many witnesses, and copies of it posted up in the most public places in the city. In that posted at the palace gates, he states his determination to go to Constance, and present himself for examination to the council, and if he should there be convicted of heresy, he would not refuse to submit to all the pains and penalties enacted against heretics.

He left Prague, on or about the 11th of October, (9) and the date of the safe-conduct or passport, which he got from Sigismund, was a week later, October 18, as appears from the copy given by this historian, (10) John Huss did not receive it until he arrived at Nuremberg, on the 22d, so that he was not *decoyed* by this document, to set out upon a journey, in which he had been already engaged ten or eleven days, and for which he had been preparing more than three months, and of which he had already accomplished one-half, and was now at a considerable distance beyond the Bohemian frontier.

The next question regards the nature of the safe conduct. Was it a document to insure pardon and impunity to a man, charged with a crime, should he be found guilty, or merely to protect him from illegal violence? If it were of the first description, the process of his trial would be a farce. His own declarations, in the notices which he gave at Prague and elsewhere, showed that he was aware of the laws by which heretics were punished in that territory, and that under which he suffered had been enacted, nearly two centuries before, by Frederick II. I am no advocate for the law itself. I feel equal disgust at the burning of Huss as I do at the burning of Servetus. The question is not whether the law was just,

or wise, or humane, but whether the punishment of Huss was a *treacherous violation* of the public faith, by the council of Constance, or only an execution of a law, then in force, by the proper officers.

It is, I believe, a well known maxim of legal interpretation, that a document, containing only general expressions of protection such as are used on ordinary occasions cannot be pleaded as a pardon, or a protection against a legal process. Now the safe-conduct, as given by L'Enfant, is no more than a common passport to John Huss, going from Bohemia to the Council of Constance, to go, to remain and to return, with this special addition, that neither he nor his companions were to be charged any thing on their journey, for dues or customs, and were to be furnished, honorably and sufficiently, with every necessary, free of expense. And as the emperor Sigismund had written to Wenceslaus, king of Bohemia, to send Huss to the council, to which he had appealed, and to appear before which he had been cited, there was no *decoying*, but an open order, and the passport was given to protect him on his way thither, and to furnish him with the means of going, so that he might prosecute his appeal, and abide the judgment of that tribunal. The passport does not contain a single expression which would even insinuate that the bearer was to be exempted from the operation of the law. If it were a protection and pardon, it would be a ridiculous farce, and wanton waste of time, to hold a trial, yet he went to take that trial. L'Enfant labors hard to draw a different conclusion, and to convict Sigismund of a breach of faith, but he cannot change the nature of the facts which he is obliged to admit. He gives us abundant evidence, that Huss himself though trusting to an acquittal, feared for the result at Constance, and he tells us, that though Huss had many enemies in Germany, from whom he had much to fear, on the way, except he had the emperor's protection; yet, they were so certain of his conviction, that they were not likely to molest him on his way to trial. He also tells us, that, in a sort of will, which he wrote to one of his friends, previous to his leaving Prague, he wrote on the envelope,

that it was not to be opened until certain news of his death should be received. He also tells us of another letter, written to another friend, in which he states that he is aware of the number of enemies he must encounter at Constance, and begs that the friends of truth would pray for him, that he might persevere in his resolution of suffering the last punishment, sooner than betray the gospel by his weakness. Again, he requests that they should aid him by their prayers, that if condemned, he may glorify God by a Christian death, or if it should be given to him to return to Prague, he may return innocent, to labor with renewed zeal in extirpating the doctrine of Antichrist. Thus he went to Constance with a full knowledge of his precise position, and was not *decoyed* thither.

We have his own testimony in one of his letters that the Pope absolved him from an excommunication previously incurred, but on certain conditions. L'Enfant (12) does not acknowledge that Huss violated the conditions, yet he establishes the fact in an effort to mitigate the offence. He says that relying upon the Emperor's protection and the word of the Pope, "*il y parloit avec assez de liberte, soutenant sa doctrine, soit dans ses conversations, soit dans les ecrits qu'il composoit.*" *He spoke with abundant liberty, sustaining his doctrine, as well by his conversations as by written compositions.* This was a glaring violation of the condition that he should not dogmatise, but quietly wait to justify himself to the council. It is also acknowledged that he violated another condition, by celebrating Mass publicly every day. One thing is evident: that he had been excommunicated previously, and we have only his own assertion that he was relieved from this censure; and we have the allegations of contemporary historians who took part in the proceedings of the council that he was not relieved from that censure: L'Enfant does not believe their assertion. Neither does he believe their statement that Huss made an effort to escape from Constance, and was brought back a prisoner. He was, after an examination, placed in custody; his friends say, without any sufficient ground,

and in violation of the safe-conduct. Their opponents state abundant reasons for this proceeding. After a variety of examinations, some of his friends foreseeing what the result must be, sought to catch at the only pretext which they could turn to any account, and pleaded that the Emperor had promised to protect him. It is fair to allow the Emperor to speak for himself. On the 1st of January, 1415, in a public assembly, he answered a request of the commissaries of the cause of Religion, amongst other things, (13) "That the council was free in all that regarded faith, and that it could proceed according to the usual rules against those who were notoriously attainted for heresy, and judge them according to their deserts after having given them a public hearing, and as regarding the threats which had been made in certain places and in certain writings in favor of John Huss, his Majesty had forbidden their being carried into effect, and would still prevent it if necessary."

One thing was plain, that no law or act of any temporal power could prevent the council from exercising its inalienable right of deciding whether a person taught the doctrine delivered by Christ to the church, or what contradicted it: but the temporal punishment of the person condemned for heresy, was not within the competence of the council, and was altogether a matter for the civil government. The Emperor could not rightfully interfere in the doctrinal examination and decision, but it lay with him whether he would inflict bodily punishment upon the person condemned by the council. There is no evidence that Sigismund ever promised to save Huss from the operation of the law of Frederick.

It was now too plain that Huss must be condemned unless he retracted, and no effort was spared to induce him to make the necessary retraction; his answer generally was, that when he should be convinced that his doctrines were erroneous, he would retract, but not otherwise. He was by order of the Emperor brought before the council, and the historian L'Enfant informs us that the session broke up after much tumult. His second public audience was on Friday, the 7th of June,

1415, the Emperor was present, and the audience was very long. At its termination, (14) the Emperor says, respecting the safe-conduct, "under the protection of which we have placed you, to the end that no wrong should be done to you, (*qu'il ne vous fut fait aucun tort*) and that you may speak freely and give account of your faith, (*rendre raison de votre foi*) in full council." Thus we have from Sigismund himself in his address publicly made to Huss, the testimony of the nature of the document: And he proceeds to say that the cardinals and bishops had answered so well to his intentions that he knows not how to thank them. He then exhorts Huss to submit to the council upon those articles which have been so well and so solidly proved against him, and that he will himself do his utmost to have him return with honor and in safety. He warns him on the other hand that if he did not submit, the council must do its duty in condemning him, and that the Emperor, so far from sustaining him in his errors and obstinacy would sooner, with his own hands light the fire for his punishment, than tolerate him longer. Huss began by thanking the Emperor for his safe-conduct, but one of his chief supporters, John de Chlum, stopped him and urged him to disprove the charge of obstinacy, which he undertook by repeating that he had willingly come to retract errors if the council could convince him that he had taught any.

On the next day he had a third public audience, which occupied the entire day, but with no better results. Before the separation of the council, after Huss had retired, the Emperor addressed the fathers, stating that the guilt of the accused appeared to him so manifest by the testimony of the witnesses and his own avowals, and the charges were so grievous, that even if he were now to retract, his return to Bohemia would be the ruin of that kingdom: and that the principles were so pernicious that they should be no where tolerated. They were congenial to those of the Lollards in England, of whom I need give no description to those who have read an account of the reign of Henry V.

With such evidence before any dispassionate reader, I should think he would consider it very unreasonable to charge upon the Pope and council and Emperor, that they had *decoyed* John Huss to Constance, or that they acted with *perfidious treachery* in trying the appeal which he made himself by a process of law with which he was fully acquainted; and in endeavoring to save him from its effects by using all means to induce him to retract the principles, the maintenance of which exposed him to death. Nor do I believe that any impartial enquirer will charge Sigismund with a breach of faith, in not saving from legal punishment a convict to whom he gave a passport protecting him from wrong or injury, on his journey to the place where he was to take his trial.

On the day after his third audience, an exceedingly modified form of retraction and submission was presented to Huss, (15) upon the signing of which, the impending danger would be averted, but he refused to sign. On the 1st of July a deputation of two cardinals, and a number of prelates presented to Huss, whose life they were anxious to save, another form of submission, which he refused (16.) On the fifth of the month, the Emperor sent four Bishops with two of Huss's particular friends to make a last effort, but in vain. The conclusion which several Protestant historians endeavor to draw from these repeated efforts is, that the Emperor had his conscience troubled because of his having violated the safe-conduct. On the other hand, the conclusion is drawn that these efforts were the evidence of the reluctance which existed on the part of those, in whose hands the unfortunate victim was placed, to execute a severe law which they felt it was their duty to carry into effect.

The case of Huss is one on which much declamation has been expended without a sufficient acquaintance with the facts: and I have therefore preferred being prolix that I may furnish our readers with sufficient data to form a correct judgment, and to see the grounds upon which I assert, 1st. That this unfortunate man was not *decoyed* to Constance. 2d. That neither the Pope nor council gave him any safe-conduct or guaranty. 3d. That the pass-

port of Sigismund was only a protection for his journey and against injustice, and not a pardon or a protection against due process of law. 4th. That his trial was according to the well known forms, upon his own seeking, and that he was fully aware of the penalty which the laws of Frederick attached to his conviction. 5th. That so far from an effort having been made by *perfidious treachery* to procure his *murder*, many delays were interposed and a variety of efforts were made to avoid the necessity of having him subjected to the legal penalty of death.

On the 6th of July, Huss having been brought before the council and the usual process gone through, two sentences were promulgated: the first against his books, which were condemned and ordered to be burned: the second against himself,—that he, being convicted as an obstinate and incorrigible heretic, should be degraded from his orders, and deprived of his clerical privileges. The form for executing this sentence was gone through in the church where they were assembled. The authority of the council ended here, they had no power over his body. The Emperor ordered the Elector Palatine to carry into execution the law of the empire as was his duty, and the magistrates of the city of Constance had it executed, not however until, even at the fatal stake, repeated efforts were made by the Elector Palatine, and Count Oppenheim, the Marshal of the empire, to induce him to save his life by a retraction, which he would not make.

Sir, my soul is not one of those which rejoice in scenes of fire and of blood. I condemn the errors of John Huss. I lament his fate, but deny that he was decoyed to Constance, or that he was treated with perfidy. To me it is matter of singular consolation that those bloody laws, which Catholics and Protestants both made for the purpose of persecution, have been nearly obliterated: but I deeply lament that in our republics, where political liberty has established her throne, so much of the bitter spirit which gave to those laws existence and virulence should still remain; and it is one of the phenomena which,

though apparently strange, is still easily accounted for, why the Catholic Church, which was the first to proclaim religious liberty within our borders, is that which has at all times experienced more or less persecutions, and is, to-day in our republics, the object of so much misrepresentation and obloquy.

I have the honor to remain, Rev. sir,

Your obedient and humble servant,

†JOHN, *Bishop of Charleston.*

Charleston, S. C., October 8, 1839.

(1) L'Enfant, Hist. Council Constant. Liv. i, § 21. (2) l. i, § 28. (3) l. i, § 30. (4) l. i, § 60. (5) l. i, § 59. (6) l. iii, § 47. (7) l. i, § 25. (8) l. i, § 26. (9) l. i, § 27. (10) l. i, § 41. (11) l. i, § 27. (12) l. i, 37. (13) l. i, § 57. (14) l. iii, § 6. (15) l. iii, 13. (16) l. iii, § 36.

From the *Courier*, of October 10, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—I regretted to find that you had been so far carried away by the misrepresentations of the writers in Blackwood, as to use against an oppressed people the phrase of contemptuous irony, in which the domineering tories of Great Britain and their retainers insult the Catholics of Ireland, “martyrs to integrity and truth,” “heroes whose glory is blazoned by the hand of desolation in characters of plunder, of blood, of confiscation, of tyranny and ruin, to which paganism affords no parallel.” Sir, I shall not impute it to a disposition to insult. I attribute it to your having been misinformed: as you certainly must have been when you rely upon the statements of Blackwood’s Magazine respecting Ireland.

Sir, when I wrote the passage, which you dove-tailed as above to follow the undeserved taunt that you gave as its introduction, I was not thinking of St. Bartholomew’s massacre, which was but the horrible butchery of a few hours, and for which the Catholic church is not

answerable: but I was viewing the cool, deliberate, legalized systematic persecution of ages. I was indeed thinking of an Inquisition, which in a comparatively short period shed more Catholic blood within the compass of one island, than was shed of Protestant blood by all auto-da-fes of the Inquisition in Catholic countries from the period of its creation to that of its abolition. I intended to describe the losses and the sufferings of the Irish Catholics, and amongst them those of my own ancestors, because they would not swear to what they did not believe. Sir, I am a native of Ireland, and I am a Catholic, and I cannot reflect without an anguish of soul upon what I myself have seen in "that beautiful but blighted island, which gave me birth:" but so far from blushing for the professors of my religion there, I am proud of their history, and I glory in their conduct to-day. When the Catholics of Ireland held power in their hands, they never returned evil for evil to their persecutors. During the reign of Mary, when she retaliated upon those who persecuted and sought to deprive her of her crown, the Catholics of Ireland not only did not persecute the comparatively few Protestants that were in the country, but they received with open arms, and they protected and housed and fed great numbers of English Protestants who sought an asylum amongst them. When Elizabeth succeeded, they were scourged with scorpions. Read the description given by even their own enemies of their suffering under the Stuarts and the Protector. Again, when James II. fled from England, the Catholics of Ireland had the government of their island in their hands, and blotting from their memories the atrocities which covered their home with those evils, which I attempted briefly to describe, not one Protestant suffered either in person or in property for his religion or the misdeeds of his party! Sir, I am proud of knowing that, in the body which thus made so Christian-like an use of their power, was a progenitor of mine, and I trust that you will not have the cruelty to disturb the complacent satisfaction with which I regard this honor! Blackwood has not informed you, that previous to subscribing the

treaty of Limerick by which the possession of their property, the freedom of their religion and the enjoyment of their political rights were guaranteed to the Catholics of Ireland; the men who stood ready on the part of those Catholics to subscribe, were told not to affix their signatures, for that a fleet was at the mouth of the river with such a force to aid them as would enable them to sweep their enemies from the land; but that their answer was, "Though we have not written our names on the parchment, we have promised to do so—our faith and our honor are pledged to the contract. We cannot recede." They signed: so did their enemies. They disbanded their troops: they sent back the succors, they were scattered through the country. They found that no faith was kept with them: the description that I gave was but the faint exhibition of their children's endurance! Is it on my cheek that the blush should mantle?

More than forty-five years have passed away since a man, then about sixty years of age, led me into a prison, and showed me the room in which he had been confined, during upwards of four years, in consequence of the injustice to which the Catholics of Ireland were subjected in those days of persecution. On the day that he was immured his wife was seized upon by fever, the result of terror: whilst she lay on her bed of sickness, she and her family were dispossessed of the last remnant of their land and furniture: she was removed to the house of a neighbor to breathe her last under a stranger's roof. Her eldest child had completed his 17th year, a few days before he closed her grave. Two younger brothers and two younger sisters looked to him as their only support. He endeavored to turn his education to account. It was discovered that he was a *Papist*, as the law contumeliously designated a Roman Catholic, and that he was guilty of teaching some propositions of the sixth book of Euclid to a few scholars, that he might be able to aid his father and to support his family. Informations were lodged against him for this violation of the law, which rendered him liable to transportation. Compassion was taken upon his youth and his misfortunes: and instead of

proceeding immediately to the prosecution, an opportunity was given him of swearing before the Protestant bishop, that he did not believe in the doctrines of Transubstantiation, of Penance and of the Invocation of Saints, and the certificate of the prelate would raise a bar to his prosecution. This youth knew no principle of his church which could excuse his perjury. He escaped and fled into the mountains; where he remained during more than a year, subsisting upon the charity of those to whose children he still communicated the rudiments of learning, but in the most painful anxiety as to the state of his father, brother and sisters!

The declaration of American Independence, and the successful resistance of the colonies, produced some mitigation of the persecutions which the Irish Catholics endured: this fugitive returned by stealth to the city, and was enabled to undertake the duties of a land surveyor, to have his parent liberated, his family settled, and he became prosperous. It is his eldest son who has the honor to inform you, that he has good reason to feel anguish of soul at his own recollection of the oppression of Ireland. Few have, during upwards of twelve years of the administration of the Tory faction of England, had better opportunities of knowing thoroughly the source of her evils than he had. It is a revolting history. It is the history of the efforts of a bad and a hypocritical faction, to perpetuate the power of a miserable minority to live in idleness and affluence, and insolence, upon the labors and the degradation of the mass of the population.

Sir, I know the writers for Blackwood, some of them from their childhood. It is not long since, from some of their own compeers, I learned in London, the history, and the terms of their engagements. I was myself engaged for no inconsiderable period amongst the conductors of the public press in Ireland, and I well know the mode of manufacturing information for the Tory press of the British metropolis. And unfortunately the information respecting Ireland, and especially respecting Irish Catholics, which our American editors generally select

for diffusion through these republics, is from that portion of the English writers. Nor can it be said, that there is a disrelish for it here. Hence, the Irish Catholics are generally subject to the consequences of misrepresentations and mistake in a greater degree in the United States, than they are even in the British islands. I am not then surprised at the incorrect views which you have taken, nor disposed to attribute to any innate hatred to Ireland, the sneers with which you are pleased to treat those "martyrs to integrity and truth,"—the Catholic body of Ireland.

As my views of the massacre of St. Bartholomew's are pretty nearly the same as those expressed by the late Right Rev. Doctor Milner, I shall lay before our readers what he says upon the subject. But I shall first exhibit the value of the English Tory testimony, regarding the Catholics of Ireland.

Lord Brougham was a member of a committee of the house of Lords, appointed to examine witnesses for the purpose of showing that neither the life nor the property of Protestants were safe in Ireland, since the system of impartial administration of justice introduced by Lord Normandy began its operation. The Tory lords had upon that committee a majority: they had full power to send for persons and papers: and to make their examinations upon oath. The Tory press, Blackwood and all, gave ominous portent against the Papists. The examinations were rigorously and extensively made, but the evidence of their own selected witnesses made out such a triumphant case for the Irish Catholics, and for the honest administration, that the committee abruptly closed its labors, and begged to be excused from making a report. The majority of the lords are Tories of the old ascendancy, or persecuting party; and shame to say, a Bostonian—Lord Lyndhurst, is one of their file-leaders: they covered the retreat of this committee, which is now known by the significant appellation of the "outrageous committee."—During the investigation, Sir Michael O'Loghlen, now master of the Rolls in Ireland, previously a Baron of the Exchequer, the first Catholic who

was raised to the Bench since the period of Protestant ascendancy, was examined respecting his conduct as attorney general, and having shown the ignorance of Lord Brougham on some points of criminal law, in his own defence,—that vindictive peer, entering into the full spirit of the Blackwood contributors, but without the same motive which they have to receive Tory pay, undertook to assail Sir Michael O’Loughlen and the religious body to which he belongs in a furious tirade, which was cheered to the ceiling by the house of Lords, and applauded to the skies by the fry of the Tory periodicals abroad, as a master-piece of eloquent vindication of the Protestants of Ireland, and a true and correct exhibition of the *Irish papistry*.

I shall, this day, lay before our readers some of the remarks of the London Morning Chronicle, of Wednesday, August 21st. This paper, sir, is not what you, for want of information, described the Southern Reporter to be. It is not an Irish paper; it is not a Catholic paper: it is not a paper which has exhibited any marked affection to either priests or their flocks. The paragraphs which are marked with figures, are answers given upon oath before the lords committee. That marked 13,023, was given by a Protestant, and perhaps it may on that account be admitted by you; but that marked 13,858, as also that marked 13,859, being the answers on oath of a mere Catholic, Sir Michael O’Loughlen, an Irishman to boot, will probably meet with only your tears and sorrow, and disbelief. Still, sir, the sworn statement of the person holding the “second judicial station in one part of the British empire” may have some weight with our readers, even though that part is Ireland.

From the *London Morning Chronicle* of August 21.

Since Lord Brougham delivered his memorable invective against the Irish master of the Rolls, we have waited with no little anxiety to discover what proceedings were to follow a charge of so monstrous a description.

The attack of Lord Brougham is of no ordinary kind. A person holding the second judicial situation in one part of the British empire, stands accused, among a host of other offences, of no less a crime than having sought the blood of an innocent Protestant, to gratify the sectarian hatred of his priesthood, and satiate the fury of a blood-thirsty Popish rabble. A charge of such a nature must lead to further results. It behooves those who believe its truth to take immediate steps to remove from the judgment seat a person whose presence must defile its purity: while those who disbelieve the accusation—above all, those who are accountable for the elevation of a judge so foully and cruelly assailed—are bound, in justice to themselves, to vindicate by a solemn vote of Parliament the outraged honor of the bench, and to fix upon the accusation that brand of malignant falsehood which a moment's attention will show that it deserves.

We had hoped that before this the ministers of the crown would have taken some steps to mark their sense of the wrong that had been offered to integrity and station. Waiting for some such proceedings, we have deferred, perhaps too long, the exposure of a calumny which, whether we consider the falsehood in which it was conceived, the motives with which it was delivered, the character against which it was directed, we rejoice, for the honor of human nature, to say, stands without a parallel. We confine ourselves for the present to the cases of Gahan and Slye. It is with respect to them that the conduct attributed to Sir Michael O'Loughlen, the attorney general at the time of their occurrence, is marked with the blackest characters. Gahan, a Papist, though tried and convicted, we are told, upon the clearest evidence, is, at the recommendation of the Popish attor-

ney general, set at large; while Slye, a Protestant, is arraigned for murder upon evidence which the same Popish functionary knew to be incredible, and the powers of the government are exerted to prop up the perjured witnesses, and to procure his conviction. It requires but a statement of the course pursued by the attorney general in the case of Gahan to prove its rectitude. Two men of the names of Connor and Bayley were indicted at the spring assizes in 1835 for an assault. Connor was convicted; Bayley traversed in *prox*. A free pardon was given to Connor with the full concurrence of the judge who tried him. The judge also stated, in his report of the case, that the evidence of the policemen on which Connor had been convicted was unsatisfactory. Bayley and Gahan were put upon their trial at the next assizes for the same offence before chief justice Doherty, and were convicted on the evidence of the identical witnesses who were examined on the trial of Connor. The attorney general when informed of the fact of Connor's having obtained his pardon, and the judge's opinion of the unsatisfactory evidence against him, recommended that a pardon should be given to Bayley and Gahan. Had he not done so, this flagrant and absurd injustice must have taken place. Two men, Connor and Bayley, would have been indicted for the same offence; the witnesses and evidence against both identically the same; both convicted; one pardoned, because the witnesses were not believed; the other transported, because they were thought worthy of credit. The pardon granted to O'Connor could not be recalled; no second trial would throw any additional light on the transaction as against Connor, or affect him, as even chief justice Doherty has stated. How, then, could any government justify the carrying of the sentence against Bayley or Gahan into execution, after having granted a pardon to Connor? It requires, we repeat, but a statement of the facts, to absolve the attorney general from the slightest censure in the case of Gahan; in fact there was no other course for him to adopt.

We now come to the case of Archibald Slye, the victim marked out for sacrifice by the Popish priesthood, acting through the agency of their willing tool, the attorney general. We confess we enter on this subject with feelings approaching to sorrow. We thought there were some characters that the fiercest and foulest libeller would not dare or even wish to assail. For thirty years Sir Michael O'Loghlen has held a conspicuous position at the bar. His conduct, whether as a lawyer or a gentleman, has been before a profession and a public animated by no little hostility to the political principles he has ever advocated, and the religion he has professed. During the last four years he has successively held the office of solicitor and attorney general, baron of the Exchequer, and master of the Rolls; and, memorable to relate, while enjoying the veneration of his own party, not one conservative meeting has been held in Ireland for some time back, at which it has not almost ostentatiously been announced, that the several elevations of Sir M. O'Loghlen were the just rewards of professional eminence the most exalted, of integrity the most unsullied, of private character the most admired and beloved. Such a character we are now to defend against a charge of having deliberately sought the life of an innocent fellow-creature, to glut the anti-Protestant fury of his sect! —a charge, moreover, proceeding from one, who having been before the public for about the same number of years with the object of his invective, and having been enriched with talents as rare as ever fell to the lot of man, has secured for himself this enviable position—that there exists not a party in the State so weak or so forlorn that would not consider his adhesion to it a source of weakness, or so profligate as to accept of his alliance without disgrace. The atrocious nature, however, of the charge, the place in which it was made, the cheers with which it was received, entitle it to an attention which the character of the accuser could not possibly render necessary. We give the accusation in Lord Brougham's own words:—

“Let them now consider the difference in the conduct of Sir M. O’Loghlen with respect to Gahan and with respect to Mr. Slye. The attorney general had said that nothing could have induced him to put Gahan on his trial after Connor’s conviction; and now let their lordships follow him for a few moments, that they might see the different mode in which Slye had been treated. Priest Walsh, it was stated, had fallen from his horse on his way from a market and was found dead; and what was the result? He was a Roman Catholic priest, and forthwith a cry was raised that he was a murdered man; it was impossible that he could have died a natural death. No evidence, however, for a long time could be obtained that Walsh had been murdered, but at last the Roman Catholic priests took an active part in the matter, and a cry was raised that Slye had murdered the priest. Slye had taken an active part in political affairs, (so we understood,) and in consequence had been suspended. What was the result? Government instituted an inquiry, and sent down king’s counsel, which had reported upon the case. Ann Rooney was brought forward, and swore in the most positive terms that she saw the priest murdered, but that evidence was as positively contradicted, and it was proved beyond the doubt that she could not have seen the priest murdered, because she was in jail at the time when she swore that she saw Slye murder Walsh. [Hear.] *But was Slye acquitted? No. If he had been the attorney general—if he had instituted those proceedings against Slye—if he had placed Rooney in the witness-box—and if he had seen her evidence thus disproved, he would have opened his ears very reluctantly to any witness of a similar stamp. But Sir M. O’Loghlen had produced another witness against Slye. Thomas Corrigan swore that he had heard Slye confess that he had murdered the priest. There was of course no improbability in that statement—no reason to doubt Slye had confessed himself guilty of this crime. To him it appeared the least likely story that he had ever heard of; but was it disbelieved,—was it refused to be acted upon by Sir M. O’Loghlen, who had refused to try Cogan be-*

cause Connor had been acquitted? No such thing. The attorney general was still desirous of putting Slye on his trial, on the evidence, not of Rooney, or of Corrigan, nor even on the report of Mr. Tickell. He sent for Corrigan, examined him himself, and what was the result of that examination? Sir M. O'Loughlen, after his examination of Corrigan, said, 'I won't try Slye till other evidence is produced against him.' Very proper and very just. Still Slye was put upon his trial, Corrigan was produced as a witness, and other witnesses were brought forward whom they did not dare to produce, knowing beforehand that Corrigan could not be trusted. And why did the attorney general show a want of confidence of Corrigan? In the first place, he must have doubted the story put forth by Corrigan that he had heard Slye confess that he had murdered Walsh; and in the second place, from his examination of Corrigan, he must have been persuaded that he was not to be trusted, because he had said that he would not try Slye on such evidence. Nay, he had sent down a short-hand writer to take Corrigan's evidence on the trial, because it was expected that Corrigan would perjure himself, and he wanted evidence to convict him of perjury. They tried Slye on the evidence of this man—they relied on his evidence, and Slye was acquitted, because the witness was guilty of the grossest prevarication. A witness was produced who it was allowed was not to be trusted, who was expected to perjure himself, and whom the attorney general so much doubted as to send a short-hand writer to obtain evidence to convict him of perjury. No wonder that the attorney general distrusted Corrigan."

We shall now give the true statement of the case, pledging ourselves to advance no fact of which there can exist a doubt.

The death of priest Walsh, for whose murder Slye was arraigned, took place on the 3d July, 1835. A coroner's inquest, after a patient and laborious investigation, found a verdict of wilful murder against persons unknown. Mr. Maloney, the stipendiary magistrate of the county Carlow, states, that he was engaged in inves-

tigating the informations of Rooney and Corrigan, and thus describes the different inquiries which took place:

13,023. "There were different investigations; the first was into the truth of the informations of Ann Rooney, and the matter was so doubtful at the time, in my idea, that I went and showed them to the law officers of the crown before I would act upon them; and Mr. Tickell, the king's counsel, was sent down to investigate that charge along with me, and there was an inquiry for, I think, three days, and her evidence proved to be altogether false. It was the 22d August that Ann Rooney's information was taken; and on the Monday following I laid it before the government, and on Tuesday the examination took place before Mr. Tickell, continued on the Wednesday, and on the Thursday it terminated, and the prisoners were discharged. There were four in custody; they were Wynne, Slye, Styles, and a fourth, John Hawley."

"When Rooney was proved to be perjured," asks Lord Brougham, "was Slye acquitted?—No." Not acquitted, certainly; for a simple reason—because Slye was never put on his trial on the testimony of Rooney. Rooney never was "put into the witness-box" against Slye. But Slye, when Rooney's testimony broke down on the first investigation, was at once discharged, and not again arrested until the occurrence we shall mention took place.

Lord Brougham says, "Had he been the attorney general, if he had placed Rooney in the witness-box and had seen her evidence thus disproved, he would have opened his ears very reluctantly to any witness of a similar stamp; but Sir M. O'Loghlen *had produced another witness against Slye.*" What the grave chancellor who perambulated England on a career of incidents and vulgar buffoonery might have done, we leave to others to decide; what a lawyer, and a man of humanity and sense, did we now proceed to show. Mr. Maloney says:—

"Doyle's was the next information, sworn October 6th—he was a servant of Slye, and I laid that also be-

fore the law officers of the crown, *and it was determined not to act upon them, as they were not considered sufficient.* Then Mr. Blackeney, the late member for Carlow, took the informations of Corrigan, laid them before the government, and having investigated the previous matter, I was called upon to look into them, and see whether they were likely to be true."

We now refer to the testimony of Sir Michael O'Loghlen himself to show "how desirous" (we use Lord Brougham's words) "he was to put Slye on his trial;" first mentioning (if indeed there exist an individual besides his calumniator who would doubt his word) that every syllable of his testimony is corroborated by all the witnesses examined before the committee on the subject:—

13,858. "I can state what came to my knowledge, and your lordships will be of opinion, I believe, that every thing that could be done was done. Corrigan's evidence was reported to me by the stipendiary magistrate, Mr. Maloney, and by Mr. Blakeney, a magistrate of the county. The story told by Corrigan was not such as to induce me to give full credit to it at the moment. *I hesitated, knowing the serious charge against Slye, and knowing the excitement at the time on that subject, how I should act under those circumstances:* and I had communicated with the members of the government in Ireland; but he (Corrigan) swore so positively to the fact that I thought it right at all events to have the matter inquired into. I had him ordered up to Dublin, *I put him in the hands of the crown solicitor, Mr. Geale.* He and his assistant, Mr. Seed, and Mr. Tickell, the conducting crown counsel for the circuit, and Mr. Clarke, another gentleman also concerned for the crown on the circuit, and two magistrates, attended the examination; *and my instructions to Mr. Tickell were to examine Corrigan, and search him in every way, so as to endeavor to ascertain whether the story was true or not.* Mr. Tickell did so, and went through the investigation; searched him as closely as possible, and reported to me that in his opinion and that of Mr. Clarke, there was sufficient to

warrant the government in acting on his information, and to issue a warrant. Slye was thereupon arrested.

13,859. "At what time was that?—I should think it was the beginning of December or the latter end of November; I should think so, because it was when I was in the four courts that it occurred. *A boy, whose name I do not immediately recollect, who had been a servant of Slye's, afterwards came forward with another statement implicating Slye, and he was subjected to a similar investigation by Mr. Tickell, and a similar report by him to me.*"

Messrs. Tickell, Clarke, Geale, and Seed, as well as Mr. Maloney, are all of them Protestants, and all of them appointed to their respective situations under former Governments: the first gentleman, a lawyer of from thirty to forty years standing in his profession, and of the highest character—he is, moreover, a conservative in politics. These gentlemen, *and not Sir Michael O'Loughlen, who never examined Corrigan*, investigate the evidence of Corrigan, and report that there was sufficient to warrant the government in putting Slye on his trial, and Lord Brougham, with these facts staring him in the face, has the unblushing effrontery to say that "the Attorney General was still desirous of putting Slye on his trial, *not on the evidence of Corrigan, or even on the report of Mr. Tickell*; that he examined Corrigan himself; must thus have known he was unworthy of belief; said his evidence was insufficient, and yet put him on his trial"—statements all of them gross and scandalous fabrications.

I shall, Rev. sir, follow up with a few more extracts, and have the honor to remain, Rev. sir,

Your most obedient and humble servant,

†JOHN, *Bishop of Charleston.*

Charleston, S. C. Oct. 9, 1839.

EXTRACT FROM LETTER IV.

Of Milner's Letters to a Prebendary. On the massacre of Paris, on St. Bartholomew's eve.

“With respect to the horrid deed itself of blood and perfidy, I will not attempt to justify it, as the king, the queen-dowager, and their ministers did, at the time when it happened, by pretending that the Huguenots were on the point of executing a plot to destroy them, and to overturn the government: (1) because it is now clear from history, that no such plot existed at that precise time. I will not even extenuate its atrociousness by expatiating on the two real conspiracies for seizing on this very king and his court, and for subverting the constitution of their country which the Calvinists actually attempted to execute, (2) or on the four pitched battles which they had fought against the armies of their sovereign: or on their treachery in delivering up Havre de Grace, the key of the kingdom, into the hands of a foreign potentate, queen Elizabeth: or even upon the massacres with which they themselves had previously inundated all France. (3) So far from this, I am ready to exclaim with Thuanus, or with yourself, in contemplating the horrors of St.

(1) Maimburg, Hist. Calvin, l. vi.

(2) Those of Amboise and Meaux, the latter of which appeared so heinous in the King's eyes, that he vowed never to forgive it. The Huguenots had before, when they took up arms against him in 1562, threatened him with the greatest indignities, namely, to whip him and bind him apprentice to a mechanical trade. Ibid. l. iv. It appears from Thuanus, that his chief resentment was directed against Coligni, and that it was the murder of him which drew on that of the other Protestants.

(3) I do not speak of the innumerable massacres committed by the Calvinists of France, upon priests, religious, and other unarmed people, during the civil wars which they carried on against their sovereigns, some of which have been already noticed. Davila relates, that upon the death of Francis II., when liberty of conscience was granted them, besides burning down churches and monasteries, they massacred people in the very streets of Paris. Heylen relates, that in the time of a profound peace, the same people taking offence at the procession of Corpus Christi, performed in the city of Pamiers, fell upon the whole clergy who composed it and murdered them: and that they afterwards committed the same outrages at Montauban, Rodez, Valence, &c. Hist. Presb. 1. ii.

Bartholomew's day. *Excidat illa dies ævo, nec posteracredant sæcula.* (1) But, sir, let the blame fall where it is due, on the black vengeance of the unrelenting Charles IX. and on the remorseless ambition of the unprincipled Catharine of Medicis, who alternately favored the Catholics and Huguenots, as seemed best to suit her own interest. The very calumny that I mentioned before, which the king and queen invented to excuse their barbarity, is a sufficient proof that they did not conceive it lawful to commit such crimes to serve their religion, (2) for which indeed neither of them felt much zeal: and as this savage villainy was contrived without the participation of a single individual of the French clergy, so that body was most forward at the time to oppose its completion, (3) and has ever since been the most warm in reprobating it." (4)

From the *Courier* of October 11, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR,—I now exhibit to our readers the remaining remarks of the London *Morning Chronicle*, on the statement made by Lord Brougham, in the Blackwood strain. The following is extracted from the paper of Thursday, August 22.

We return to Lord Brougham's attack upon Sir M.

(1) Thuan. ex Statio.

(2) This further appears from the proclamation of Charles immediately after the massacre: "Eodem die edictum promulgatur, quo rex testabatur quidquid in hac re accidisset suo deserto mandato gestum esse, *non religionis odio*, sed ut nefariæ Colinii et sociorum conjurationi obviam iret." Thuan. 1. liii.

(3) It is particularly recorded of Henuyer, a Dominican friar and bishop of Lisieux, that he opposed to the utmost of his power the execution of the king's order for the murder of the Protestants in his diocess, answering the governor of the province when he communicated it to him: *It is the duty of the good shepherd to lay down his life for his sheep, not to let them be slaughtered before his face. These are my sheep, though they have gone astray, and I am resolved to run all hazards in protecting them.* Maimb.

(4) See Maimb. Contin. Fleury, &c.

O'Loghlen, and proceed to demolish, by a plain statement of facts, the remainder of the gross misrepresentations and vile insinuations of which it is entirely composed. We yesterday detailed the circumstances preceding the trial of Archibald Slye, the Protestant, whom the Irish government and their Popish attorney general, according to Lord Brougham, conspired to sacrifice to the vengeance of the priests and rabble. We showed that so far from Sir M. O'Loghlen's having manifested a desire to put Slye upon his trial, he had refused to permit his arrest until the evidence against him had been subjected to an investigation the most minute and searching; that he had directed the crown prosecutors to examine the witnesses against Slye thoroughly, so as to ascertain the truth or falsehood of their testimony: that the crown prosecutors, both of them Protestants, the crown solicitor and his assistant, likewise Protestants, all of them appointed by former governments, had, in accordance with these directions, sifted most carefully the evidence; and that it was only when these gentlemen had reported that the evidence was credible and sufficient that Sir Michael O'Loghlen suffered Slye to be put upon his trial. So totally unfounded is the statement of Lord Brougham, that the attorney general must necessarily have known that the witnesses against Slye were not to be believed.

At length the trial of Slye came on; and now see how every engine was set at work by the Popish attorney general to obtain his conviction, and thus gratify the priests. Sir M. O'Loghlen states, what indeed is sworn to by Mr. Geale and others (13,859):—

"I felt that a case of great difficulty, and I did, if I recollect rightly, what I believe no attorney general in Ireland had to my knowledge, done before, but which I would not have refused in such a case to any person, whatever his opinions, political or religious. I gave directions that Slye's attorney should be made acquainted with the contents of the informations which had been made against him. The case resting on the testimony

of persons swearing to conversations which they stated they had heard, I thought it fair to a man on his trial for his life, to give him this information.

Witness after witness had been summoned before the lord's committee, to show that allowing the prisoner to get the informations sworn against him (which for the last two years only has been law,) gives him a greater advantage than the interests of justice or humanity warrant.

We now refer to Mr. Tickell, the crown prosecutor, and Mr. Geal, the crown solicitor, to show what efforts the Popish attorney general made to procure such a jury as might insure the destruction of his victim. Mr. Geale states that he was directed by Sir Michael O'Loughlen to apprise him how the new jury system (the not challenging, on religious or political grounds) worked on the home circuit. Mr. Geale goes on to say—

8,718. "I apprised him that it had done pretty well; that there was no fault to find (Meath was one of the counties,) and that in fact it had worked well in those two towns; *but that we were coming into counties—that is, chiefly, the Queen's county, and the county of Carlow—where there was a great deal of party feeling, and I would beg to ask him whether it was right to persevere in the same course in those societies;* and in answer I got a letter from Mr. O'Loughlen, which I will beg leave to read to your lordships:

"*London, 5th March, 1836.*

"My dear sir—I was much pleased to find that the system acted on in the county of Meath worked so well. *I am fully convinced that it is essential to the due administration of justice to adhere to it in every case, and, therefore, it is my wish that you should do so in Slye's case.* You will, of course, exercise your own discretion as to setting aside any person connected with the case; but would not wish to have any person objected to by the crown merely because he belonged to a particular party in the county."

8,719. "Was that persevered in?—It was; no jurors were challenged on the part of the crown. The jury impannelled on the priest's prosecution were exclusively Protestant, except Mr. Finn, who is reckoned a conservative Catholic."

Mr. Geale thus accounts for the jury that tried Slye, being almost exclusively Protestant:

8,753. "How came there to be an unusual number of Protestants upon that jury?—*One reason was, that the agent for the prisoner had the power of challenging, and he exercised the right. We did not exercise that right at all, consequently the Roman Catholics were excluded, and Protestants got on.*

8,754. "He challenged on account of religion and you did not challenge on account of religion?—No."

8,755. "And you did not exercise the right of challenge on account of the attorney general's letter?—Yes."

A letter of Mr. Tickell is even more conclusive as to the composition of the jury by whose verdict Slye was to be "done to death."

13,653. "At the last trial of those tried for the murder of Mr. Carter, the next of kin, or some person professing to act on their behalf, called on the crown to abandon the prosecution, and to allow them to conduct it, with a view, manifestly to the selection of a jury. This we refused to do, and also to allow an interference with the conduct of the trial. *Had we acceded to the wishes of the next of kin in this case, we could not have refused a similar request which was made in the very next circuit town, Carlow, when it was suggested to the crown solicitor to hand over the prosecution in Slye's case to the next of kin, with the view of thus exerting the crown's right of 'setting by.'* In this latter case there were eleven Protestants on the jury, and I have no hesitation in saying (although the jury was as respectable as could be) that if strong political feelings were to be allowed as a cause for setting by, some of those gentlemen (who were quite as honorable and as good jurors, I firmly believe, as could be selected,) might also have been objected to."

Although Protestants of "strong political feelings" are summoned on the jury, the attorney general refuses to set them aside, and the consequence is, that this doomed victim of Popish intolerance and blood-thirstiness is tried by a jury composed of eleven Protestants, and one Catholic of the name of Finn, who states in his evidence before the committee, that his conservative sentiments have made him so obnoxious to the priests in Carlow, that he never goes to his own place of worship!

We return to Lord Brougham, and now we come to the blackest charge of all:—

"It was proved that Corrigan had gone to a police officer, named Patterson, and that he had tampered with that officer to correct his day's returns, because those returns would have proved that Corrigan was in the wrong place at the proper time. (Hear, hear!) The police officer refused to alter his returns; and what has been the result? He had been dismissed from his office (loud cries of 'hear, hear!') Patterson had presented a memorial, asking to be tried, and for explanation of the reasons which had led to his dismissal. No trial—no explanation had, however, been granted, even although the magistrates had approved of his conduct, and recommended his memorial to consideration. (Hear, hear!) There might have been some just reason for the dismissal of Patterson not connected with this subject, but the case certainly required explanation; and even, although sufficient reason could be shown for that dismissal, the case of Slye would not be affected in the smallest degree."

Here now is distinct evidence of a conspiracy on the part of the government to murder Slye, if it contain one grain of truth. "The result of Patterson's refusing to alter the returns was that he was dismissed." Foul and audacious slander! The evidence of the trial of Slye is now lying before us. On the 17th March, 1836, (the day before trial) Corrigan, *for the first time*, alleged that Patterson had made a wrong return, and sought to have it altered. On the 25th day of the preceding November, Patterson was dismissed from his office, and dismissed, not by the government, but at the recommendation of

the inspector general, Lord Normandy having, as a mere matter of course, sanctioned the recommendation. The constabulary returns declaring this fact were produced by Mr. Drummond before the committee (see his evidence, 15,082,—15,083.) Of those returns Lord Brougham must have been aware, as he stated he had read, and actually made selections from the evidence; and, thus informed, he dares to promulgate the atrocious calumny, that the officer had been dismissed because he had refused to prop up the falling testimony of a “perjured murderer,” as he designated Corrigan, and thus insure the destruction of an innocent man. We hasten to give the remainder of this detestable slander:

“Strong recommendations were made to Mr. Maloney not to put Slye upon his trial on the evidence of Corrigan, but that gentleman persisted, saying that his orders from the Attorney General obliged him to do so. Nor was it to be wondered at that those recommendations were made. Patterson’s statement in regard to Corrigan had become known, and so suspected was Corrigan of an intention to commit perjury *that the Attorney General, wisely, as it proved, resorted to a step, which no English counsel would have dared to adopt, and sent a short hand writer in order that he might have evidence to convict his own witness of perjury—*(Hear, hear.) Yet, under such circumstances, the Attorney General had allowed the case against Slye to go on: and what had been the result? Slye was acquitted, and he need hardly add that there was not a tittle of evidence that could be relied on to convict him. In that acquittal he fully concurred, and it was now generally acknowledged that the verdict had been a proper one, and the only one which could have been come to:—Even the Roman Catholics were now convinced that the case against Slye was a pure fabrication from beginning to end, but though Slye had been acquitted and justly, what had become of the witnesses who had been produced on the trial? Corrigan and Rooney had failed to convict Slye, but Slye had not failed to convict them. Ann Rooney and Corrigan were put upon their trial for perjury, and in connection with that trial there

was a circumstance to which he wished to call attention. *Was the charge of perjury laid upon the informations which had been sworn?* No, by a somewhat suspicious fatality, those informations were not to be found at the time of the trial. They had, it is said, been taken from the office of the Crown Solicitor, and it was believed by the friends of the parties charged with perjury, because the Crown Solicitor's office had been besieged by the priests, and the informations had never appeared till the appointment of their lordship's committee, when it was stated by Mr. Maloney they were found one day by one of the clerks. Those informations were not produced at the trial, and Corrigan was not, in consequence, tried on the evidence contained in those informations, but on the *evidence of the short-hand writer's notes*, who had been sent down by the Attorney General. This perjured murderer, for he was nothing else, as he had tried to swear away the life of an innocent man, was tried on those notes which had been made *by the precaution of the Attorney General*, and Rooney and Corrigan were both convicted of perjury, and were sentenced to be transported for life, (Hear, hear.) Such was the case of Slye, such was the difference between the treatment by the Attorney General of Coglan, and Connor, and of Slye. When he considered the conduct of the Chief Justice, and compared it with the conduct of Sir M. O'Loughlen, he could have no hesitation in concluding who had acted with most propriety, and with the greatest regard for justice."

With respect to the charge, that Sir M. O'Loughlen, *in this case*, "resorted to a step which no English counsel would have dared to adopt," in sending down a short hand writer to take a note of the evidence at the trial, the malignity of the accuser is demonstrated by this simple fact, that Mr. Geale, a Crown solicitor of twenty years standing, swears (8,809) that it has always been the practice for the Crown in Ireland to have notes of the evidence in important cases taken down. But we know not what charge it is that the last observations we have quoted of Lord Brougham are intended to convey. If by "suspicious fatality," he wishes to imply that the

Government officers had permitted the informations to be stolen or removed on which the perjured witnesses might be prosecuted, and thus save the wretches they had suborned to swear away the life of Slye—if this be his intention—and we know not what other meaning his words can convey, the intellect of the learned lord must be waning fast; for a moment before he blames the Attorney General for resorting to a step “which no English lawyer would adopt, of sending a short-hand writer, in order to have evidence to convict his witness of perjury;” and then he tells us that it was owing to this very precaution that the witnesses were convicted of perjury!

Such then are the proofs of the conspiracy abetted by the first Law officer of the Crown to take away innocent life. The prisoner, not arrested until two Protestant lawyers, after a lengthened and minute investigation, declare that satisfactory evidence exists to put him on his trial; the informations (a thing unknown then in Ireland) given to his attorney, that no one flaw might exist in his defence. The Crown declining its right of challenge though Protestants of strong political opinions thronged the panel, and giving to the prisoner a jury who, unless his guilt had been clear as the light of heaven, would not have touched a hair of his head; and lastly, a short-hand writer (as in all important cases,) recording every syllable that fell from the lips of the witnesses who appeared against him, and making the assurance of their conviction doubly sure, should they dare to deviate from the truth.

We have put the facts of this case before the public, in perfect confidence of the result. We call upon Lord Brougham to deny the statement we have put forward, or to retract his calumny. Should he confess that, in utter ignorance of the facts, he has grossly outraged a venerable character, which offence will be nothing more than the too common one of having suffered political feeling to carry him beyond the bounds of knowledge: but should he permit the slanderer to remain resting upon his authority, unretracted and unexplained, then we will not say that he has deliberately forged a calumny, and

launched it against virtue, integrity and station, for we still cling to the hope that of this he is incapable; but we do not hesitate to declare that the higher powers of his mind are gone: that the power of discriminating between truth and falsehood, of judging calmly and dispassionately has departed from him: that beyond furious and vituperative declamation he is incapable of any effort; that those gleams of genius which occasionally burst forth, reminding us of what he was, are but the fitful flickerings of a diseased and expiring intellect; and then will none more deeply than ourselves deplore the wreck which the fury of disappointment and revenge has made of a once mighty understanding."

Now, sir, you may perceive from this specimen the value of Tory calumnies against the Irish Catholics, and I trust you will feel that the remarks of the writer in the *Morning Chronicle* respecting Lord Brougham are neither uncalled for, nor too severe for the calumniator of people who have endured so much of the oppressor's wrong and the contumely of pride and petulance.

It must be gratifying to you to observe that neither Mr. Corrigan, nor Miss Rooney, were furnished by the Bishop or Priests, as far as can be discovered, with any dispensation or absolution or indulgence for their perjury, or if even such talismans had been furnished, that they were no protection against the legal vengeance of a Popish Attorney General. It must indeed be matter of consolation to you that this "beautiful, but blighted island" has made such rapid progress towards civilization, that two Catholic perjurers were actually transported to New Wales! And this occurred under the administration of that *Tripple alliance* of which your friends in Blackwood have such reason to complain.

Now, sir, I am very far from saying that oaths are not sometimes violated in Ireland as they are elsewhere: and the editors of some of the Irish papers are beginning to draw the attention of Lord Brougham to such facts. The editor of the *Dublin Evening Post*, from whose paper the *Dublin Morning Register* (edited by a Catholic) copies the following report, is a Protestant, I believe a Presby-

terian. Chief Justice Dogherty, of the Common Pleas, is not only a Protestant, but hostile to the Catholic body, and was the very person who complained of Sir Michael O'Loughlen's having the men convicted before him saved from transportation, and who probably furnished to Lord Brougham the materials for his assault.

The other judge to whom reference is made was Baron McClelland, who was always considered to be a violent Anti-Catholic partisan. The trial before him took place some years ago. A Protestant—an Orangeman—was indicted for aiding in the demolition of a Catholic church, being a Ring leader, as Mr. Buzzle who was acquitted in Massachusetts was, in the destruction of the Convent. The strongest evidence was produced against the prisoner, scarcely the semblance of a defence was made. The jury indeed retired for a few minutes, they were all "of the right sort,"—that means in the Irish acceptance, thorough going members of the Protestant party, who very seldom have the spirit of any religion. In a word, they had the spirit of the British Tories. Having returned to Court, the foreman answered to the demand of the Clerk of the Crown—Not Guilty. Baron McClelland forbade the clerk to take the return for a moment, and then turning to the jury asked them, "Gentlemen, do I hear correctly? Do you say upon your oaths, that the prisoner, against whom such a mass of unimpeached testimony has been laid before you, and in whose favor nothing has been urged, is not guilty of the crime laid in the indictment which has been thus sustained?"—The foreman answered, "Such, my lord, is our verdict."—The judge answered, "Thank God, gentlemen, it is *your* verdict but *not mine*." Then turning to the Clerk he desired him to take the return, and to discharge the jury and the prisoner.

A CASE FOR LORD BROUGHAM.

One of the most remarkable cases that has for a long time fallen under our observation occurred at the recent Fermanagh Assizes. The readers of this Journal are

well acquainted with the manner in which Orange Juries in the north of Ireland had been in the habit of administering justice generally, when Catholics appeared before them as prosecutors; and that in one memorable instance after a verdict of acquittal had been pronounced, the presiding Judge felt it necessary, for the ease of his own conscience, to express his thanks to heaven that the verdict was not his. In the case to which we now wish to draw attention, nothing of *that* description of party spirit appears to be mixed up. But on other grounds, the finding of the Jury is worthy observation. We shall state facts briefly, as they are reported in a cotemporary journal, the *Morning Register*.

A woman of bad character, named Mary Crawford, was charged with stealing 12s. 6d. from a person named James Gallagher, whilst the parties were drinking in a public house. The case of robbery was clearly proved, and the waiter, Daniel Carroll, proved that he searched the prisoner, and found the money upon her person. We shall now quote the words of the report, commencing with the prisoner's appeal to the jury:

Prisoner—Come, Carroll, tell the gentlemen of the jury what I said, and I am sure justice will be done me. I am not to be transported by such a villain.

Witness—She said, my lord and gentlemen of the jury, that the money was her own; that Gallagher wanted to rob her; and she called on me, gentlemen of the jury, *not to allow her to be robbed by a Papist* (here the witness stood up, and slapped his hands in the most vehement manner;) and she said, my lord, that the prisoner was bringing the charge against her for fear she would speak of Baxter's murder, as she knew all about it.

Chief Justice—But you found the money in her stockings?

Witness—I did, my lord.

Chief Justice—Did Gallagher describe the money to you before it was found?

Witness—He did, my lord. He said there were three half crowns in it.

Chief Justice—And you found three half crowns so concealed?

Witness—I did.

One of the jury to Gallagher—Could you swear to the money when you saw it found on her?

Gallagher—No man could swear to silver; but I swear that it corresponded with the money lost, and that I saw her stooping down just before it was found in her stocking.

Chief Justice to the juryman—If you lose money in a room whilst in company with another person, and that money corresponding with it so found on that person, it is no violent presumption to say it is the same. The case is perfectly clear.

Chief Justice to Carroll—What did you do with the money found?

Carroll—I gave it to the police to keep till the trial, and Mr. Irwin, the magistrate, said I was right in doing so.

Chief Justice—I say the same. Then turning to the jury—*The case is perfectly clear against the prisoner; you can have no doubt of it.*

The jury, without leaving the box, brought in a verdict of not guilty.

The chief justice looked up at them with apparent amazement. He said nothing to them, but told the clerk of the crown to desire them to stand aside, and to have another jury called.

We think chief justice Dogherty was perfectly right in setting aside that jury, especially if there were any more prosecutions for robbery of Papists. It has been asserted, but it has never been proved in a single case, that Catholic jurors in the south, either from intimidation or sectarian prejudice, have violated their oaths. In the evidence before the lord's committee, there is not a particle of evidence of that description. In the entire of the four huge volumes, although every imaginable calumny against the people is raked up, no such case as this at Fermanagh can be found recorded, where the judge tells the jury—"Gentlemen, the case is perfectly

plain against the prisoner—you can have no doubt about it;" and the jury, even without leaving the box, bring in a verdict of "not guilty."—*Dublin Evening Post*.

A work has lately been published by *Mr. Gustave de Beaumont*, an intelligent and learned gentleman, who was the friend and the associate of *Mr. de Tocqueville*, in his visit to the United States. I need not undertake to inform you of the valuable publication of this latter gentleman. *Mr. Beaumont* visited Ireland in 1835 and in 1837, and published his observations in a work which has been translated by *W. C. Taylor*, L. L. D. of the Protestant University, Trinity college, Dublin. It is entitled "IRELAND, SOCIAL, POLITICAL AND RELIGIOUS." He has well treated the cause of perjuries in Irish courts of justice. When the object of the government and of the court was, under the semblance of justice, and by the forms of law to oppress, to plunder, and to afflict the people, the latter were tempted to use the only means left in their power to defeat their oppressors, and though the bulk of the population preserved their veneration for an oath, it frequently happened that, in a moment of desperation, the victim of injustice or his friends became reckless of its obligation. Take *Mr. Beaumont's* own description.

"A hundred or a hundred and fifty jurors have been summoned by the sheriff; but, in the first place, with very few exceptions, the Protestant sheriff has chosen Protestant jurymen. Out of the hundred, twelve are to be chosen to administer the law—the panel is called—scarcely is the name of a Catholic juror pronounced, when he is peremptorily set aside by the clerk of the crown. The accused is given in charge to twelve Protestant jurors, for the most part rich persons, equally the enemies of his class and his creed. Now what impartiality can he expect, who perceives in every one of his judges a religious or political adversary? This is not all. As every accused person in Ireland is looked upon as a victim by the people of his class—that is to say, the lower orders—false witnesses abound; and hence a new

source of error is opened to the judge and jury. In the midst of this darkness it would be difficult, even with the best inclinations, to be strictly just. How, then, will matters stand when love of justice is not the predominant passion? For my part, I have been present at many criminal trials in Ireland, and it is impossible to describe the painful feelings with which the spectacle filled my mind.

"It is a sad truth that in every Irish court of justice there are, as it were, two hostile encampments within sight of each other, the accused on one side, the judge and jury on the other. Among the spectators the people are for the accused; the tribunal is supported by the soldiers, the constables, and the wealthy. As in Ireland the aristocracy is engaged in an open contest with the people, all that depends on the aristocracy, or sympathise with it, comes to support it in this terrible field of battle, where the strong exterminate the weak in the name of justice and the laws."

The system of jury-packing was an old disease of Ireland, and, previous to its introduction, Sir John Davis, Queen Elizabeth's attorney general in Ireland, declared that no people better loved impartial justice than the Irish, or more willingly submitted to it, even when the decision was against themselves. But with Protestant ascendancy and penal laws, a system of the worst injustice, of the most glaring partiality, of contempt and terror was introduced. I could describe to you the most sickening and revolting instances of packing juries, which took place under my own eyes, which I could prove to the satisfaction of the court; but had I undertaken to do so I should not have served the injured party, I would have brought down vengeance on myself. How well did you write to me, "I am neither an Irishman nor a Roman Catholic, but were I both, as you are, I could never think of Ireland without anguish of soul." Yes, sir, some of the men whom I have known to perpetrate these deeds are still living, and hold high stations, and because they are Protestants, they enjoy offices and emoluments to which Catholics are indeed legally ad-

missible, but from which they are practically excluded, chiefly by the machinations of Lord Lyndhurst and the support of his Tory associates in the House of Peers. The first attorney general who cut up this evil by the roots, was Sir Michael O'Loughlen, against whom the heaviest charges have been made that he thereby defeated the purposes of justice. No one was more violent upon this score than Lord Brougham. No publication more vituperative against the authors of the charge than Blackwood: what says the Rev. Richard Fuller to his teachers? The Tories complained that by not putting persons off the juries on account of their religion, the lives and properties of the Protestants were greatly endangered and that crime had frightfully increased, and few convictions could be had. Such was the clamor of the Blackwoods amongst others. The Tory lords formed their committee, examined their witnesses, and lo! it is proved that crime has greatly decreased, that convictions are much more numerous in proportion to committals, than has been for a century before, that the people are generally content with the administration of the laws, and Ireland is so peaceable that, though she is refused her municipal rights and her political equality, the government can afford to send to England for the suppression of the Chartists, nearly half the military force, which was formerly thought to be the least amount which could keep the country in subjection!!

It is true that riotous assemblages occasionally occur, of which I believe the greater number are of Orangemen (Protestants,) who congregate illegally to insult and exasperate the Catholics. I give a few specimens exhibited on the 12th of last July, as I copy them from the *Newry Examiner*:

PORTADOWN.—All passed off extremely quiet here, on the 12th inst., with the exception of shots being fired at intervals, and flags hoisted on the church; but, at Mil'town, the Orangemen walked in procession, accompanied with fifes and drums, playing party tunes. There were seven flags displayed in the procession.

DONOUGHMORE.—A sum of money, amounting to 2l. 10s., was collected among the Orangemen, here, for the purpose of purchasing gunpowder, &c., for a sham fight, which was duly performed at a place called Loughoren. An Orange arch was also erected across the road, and several bodies arrived, in the course of the day, from Newry, and other places, shouting ‘To hell with the Pope, the Lord Lieutenant and Lord Melborne,’ ‘Down with Victoria, and all the Maids of Honor, and up with the Duke of Cumberland, Colonel Fairman, and Lord Roden.’ All who passed under the arch were obliged to join in these shouts.

NEWTOWNHAMILTON.—On Friday, the 12th inst., not less than 25 Orange flags appeared about one and-a-half miles above this town, at a place called Clark’s Bridge—two of which came here in the evening with drums and fifes, playing, as usual, their old favorite tunes—I think there were at least 500 persons—the greater part of which wore orange ribbons, and lilies. After marching once or twice round the town, they went off running with a few police at their heels. A number of their names have been taken down. Next day some hundreds collected, for the purpose of having a sham fight at the same place; and I am sorry to inform you that it pended in real earnest. However, for the purpose of settling all disputes between them, a challenge fight was got up by two of the brothers, the Monday following a regular combat took place. After seven or eight rounds of close fighting, one succeeded, but not without a pair of black eyes, and a bloody nose; after which, they were escorted by the police to the black hole, where they remained until bail was given to keep the peace for seven years—themselves in a large sum, and two sureties in a small.

BALLYMENA.—We have received the following communication from a Ballymena correspondent, who has favored us with his name:—‘Permit me, respectfully to inform you of a few facts which came under my personal observation here on the 12th inst. About one o’clock two lodges of the loyal (!) Orangemen entered this town

with music, flags, and all the usual emblems of the faction, playing 'the Protestant boys,' 'Croppies lie down,' &c. They then proceeded to a field, about a mile from town, with no less than fourteen lodges in full paraphernalia, with drums, sashes, &c., assembled. After partaking very liberally of the 'mountain dew,' a desperate row occurred amongst them, about, I believe, which of the lodges should take precedence on their way to town; many of them were severely, and some dangerously, wounded, as they were nearly all armed with swords or pistols. At 5, P. M., they entered the town, nearly all in a state of drunkenness, brandishing their swords, firing shots, and cheering, and yelling in terrific style, playing their obnoxious tunes, as before. In this way they passed through the principal part of the town, to the great annoyance and danger of the well disposed and unoffending part of the community. Very few amongst the respectable class of 'True Blues' were to be seen amongst them—I presume from fear of having to appear at the next assizes. Many of the shops were closed on their entering the town—whether from dread or respect, I cannot say—but I think from the former. Captain Flinter, with the police under his command, made every exertion to prevent the ruffianly Orange mob (as far as they could) from annoying the peaceable inhabitants; and I am informed that the police took down the names of every person whom they recognised. I am happy to state that no altercation took place between the Orange rabble and the Catholics, as the latter only laughed at the hellish yells and taunts of the Orange ragamuffins with the greatest composure. I can traverse no part of the town without meeting drunken Orangemen, or seeing or hearing shots fired, and the familiar expression 'To hell with the Pope.'

THE TANDRAGEE ORANGEMEN.—On the 12th ultimo, four lodges of Orangemen, from the neighborhood of Tandragee, marched in procession to Loughilly church, and there amused themselves by marching and counter-marching through the worthy Rector's demesne for a length of time. They then took their route towards

Market-hill, but on reaching the house of Hugh Ward, of Carnageally, then commenced beating him in a most brutal manner. He subsequently summoned seventeen of the offenders to the Market-hill petty sessions, and succeeded in getting informations against eleven of them, who gave bail to stand their trial for the offence.

I suspect Hugh Ward was an unfortunate Papist. But really, the times must be greatly improved, for I recollect the period, when no such person as Hugh Ward could get a magistrate to take his informations. He should thank God that his life was spared, and be as silent, as I was, when I witnessed the simple process of packing juries, gone through by using two sheets of paper, sometimes with one first, and sometimes with the other, according as the person to be tried was a Catholic or a Protestant. The names indeed were the same: but it made an incredible difference to read those on one sheet before those on the other.

I have abundance of materials at my hand, but really, sir, I have not abundance of money in my pocket, and perhaps it is as well that the fear of the printer should prevent my disposition to be prolix. I must, however, not give up "the beautiful but blighted island which gave me birth," without paying my respects to you once more at least, to show cause why I should not "blush for the professors of my religion there."

I have the honor to remain, Rev. sir,

Your obedient and humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, (S. C.) October 10, 1839.

From the *Courier* of October 16, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR—Debility, and more pressing duties have prevented me from bringing my extracts and remarks in answer to your last observations to an earlier conclusion.

I now proceed to show you why I should not blush for the professors of my religion in Ireland. The gist of the charges which should cause this blush, I take to be their turbulence as described by the Blackwoods, and this turbulence abetted, if not caused by the clergy. It would indeed be extraordinary if, after centuries of persecution, a people afflicted in every manner should have kind and affectionate and gentle feelings towards their oppressors, especially when these men continue the persecution and band themselves against the government that would mitigate it. The English peasant is cherished by his landlord, the Irish peasant has been in a worse thralldom than any slave, and where the slave has food and raiment and shelter, the unfortunate Irish cottier, who was compelled by the terms of his agreement to do more than twice the labor exacted from the slave, had the best portion of his scanty provision, or the only good covering for his body, taken away by a heartless church, which blasphemed his altar whilst she despoiled him of the pittance which the most rigid overseer would pronounce scarcely half sufficient for a negro! Have you read of the bloody field of Gurtroe, on which the parson of the parish, at the head of a troop of dragoons and a crowd of policemen, together with a crowd of infantry, slaughtered the son of the widow, and covered the field with the bodies and the blood of others, whilst the distracted mother was bringing out to "Black William," the money to which she was indeed legally entitled, for praying and preaching against her religion? It is quite natural for you, after having been delighted with Faber and misled by Blackwood, to say that the people provoked this and thousand such slaughters, by their diso-

bedience to the laws; but I cannot yet believe that your heart would be unmoved were you to behold such scenes. And still no grand jury would find a bill against the Reverend gentleman for his killing, though several of the best lawyers of the country gave well sustained opinions that his entry and his assault were unauthorised by law! and he continues to be rector of the parish and archdeacon of the diocess, and resides unharmed in the midst of the relatives of the slain and the maimed, and not a soldier is to be found in the vicinity and scarcely a policeman in the parish, and the Catholics form the bulk of its population. And yet we are told by your teachers that this people is turbulent and immoral, and that Protestants have no safety for life or property in their vicinity!

Even Mr. Beaumont, who gave us evidence respecting Protestant jury packing, fell into good company in Ireland, and he was feasted at the tables of some of those ascendancy men, where he was told something of the Irish character. He therefore tells us that naturally the Irishman is a liar, that he has an invincible aversion to truth, and that in the gratification of his revenge, he would proceed to enormities for which no name is found amongst civilized people.

Now, does not "Black William's" safety in the midst of his parish, admirably sustain this opinion of that same Mr. Beaumont, who tells us "I have seen the Indian in the forest, and thought, as I contemplated his pitiable condition, that I saw the very extreme of human wretchedness: but I then did not know the condition of unfortunate Ireland." How many other marauders and slayers and rebellion ruffians and rack-rent collectors are in safety in the midst of the people? And if occasionally an exasperated neighborhood is driven into fury and wreaks vengeance upon some victim, is it not what must be expected, though it is to be deplored?

You have seen the charge brought upon the *Triple Alliance*, that when a man was not believed to be guilty he was pardoned, though convicted by a jury. The Tories committed no such faults in respect to Catholics,

though they sometimes pardoned Orangemen convicted upon the most undoubted evidence. I shall now give you an instance of the way they acted towards Catholics. An unfortunate man named John Leary, a respectable farmer, from the vicinity of "Black William," was convicted before a special commission in Cork, before Judge Pennefather and another, upon the testimony chiefly of an accomplice, for a conspiracy to murder one of those oppressors. Leary, who was over sixty years of age, was liable to death upon this conviction—several others were to be tried upon the same testimony, but as they declined joining in their challenges, there were to be separate trials before distinct juries. On the trial which succeeded Leary's, the jury was most respectable: one of the representatives in Parliament from the city (Callaghan,) and another Catholic, Edward Morrogh, were upon it. Morrogh would not agree to a verdict of guilty. Popery was abused. Another trial was proceeded with before another jury, the second still under lock and in deliberation. The informer broke down under a cross-examination of O'Connell. The innocence of all the accused was plainly and satisfactorily established. All were discharged, but the unfortunate convict Leary was *pro forma* sentenced to death. The judges reported the whole of the facts, and their conviction of Leary's innocence, to a Tory lord lieutenant and a Tory attorney general; there was an order to remit the execution of the sentence of death on Leary—an order to transport to New South Wales in a convict ship as a slave for life, not the "perjured murderer," but the unfortunate Leary, who, upwards of sixty years of age, was manacled and chained and torn from his children and grand children, cast into the prison of a convict ship and sent to another hemisphere to give to the neighborhood a salutary exhibition of the impartial administration of justice and to inspire respect for the laws. The informer was discharged! Blackwood did not tell you this. I was during nine years chaplain to the prison from which the convicts were shipped, and I have seen scores of cases worse than Leary's. Hence, sir, I can assure you that

the character which Mr. Beaumont gives of the Irish is the fabrication of their enemies: that of Count Montalembert, who travelled in the country and observed its people in 1831, is taken from true history and living example.

‘Certainly,’ says Montalembert, ‘if ever there were a national hate—I speak not of an excusable hate, but of one legitimate and sacred—it is that of Ireland to England. No where does one see in history an example of oppression so perfidious, so systematic, so constant. That freedom which England held forth to the world with so much pride, she has converted for Ireland into the most shameful helotism. The Irishman has been injured in his best interests, wounded in his dearest affections. He has seen his nationality destroyed, the royalty and the aristocracy of the country humbled to the dust, his commerce and his industry repressed, and stifled, and, finally his religion dethroned and delivered up to the most sanguinary persecution. To him it has not been permitted even to call his own the temples in which his fathers prayed, nor the fields which they had reclaimed.

‘Ireland has been *altogether*, and at two different periods, confiscated to the benefit of Protestants. Its true and lawful possessors struggle to-day against famine on the soil which has been wrested from them, which is become the prey of an aristocracy, strangers in origin, and living as strangers in the land. Well, this population, devoted to misfortune, which has had no other refuge than Catholicism, which has for three centuries a clergy described to us as so fanatic and so ignorant—this population has preserved, it is true, a profound horror of foreign domination; but among them never are seen individual hatreds, secret vengeance on those who devour their patrimony, and who have seated themselves in the sanctuaries of their faith. It is only the most unheard of excesses that can rouse the resentment of Catholic Irishmen, and even in the midst of their revels those of the gentry and Protestant clergy who have shown a spirit of toleration or indulgence, have never been confounded

in the general detestation. As for myself, notwithstanding my sympathy and despite of the confidence which I inspired as a Frenchman and a stranger, I have never been able to obtain from an Irish peasant any invective more violent, any word more bitter than this:—“*God (glory be to him, and praise to his holy name)—God sees them and us; they will have their recompense in the other world, and we shall have ours.*”

Yet it has been ascertained by a comparison repeatedly made between the English and Irish calendars of crime during the last twenty years, that those of England are stained with a greater number of dark crimes in the ratio of their respective populations. This fact has been so notorious that no effort could be made to deny it, or to evade its force.

I proceed to examine the causes given by Beaumont of the wretched state of Ireland. You will recollect what he wrote of the administration of justice. The aristocracy of Ireland was Protestant, and still in a great measure it is so; the Protestant church in Ireland was a portion of this aristocracy not only by its being an establishment by law, but as its clerical places were so many snug provisions for the junior members of the aristocracy itself. Of this aristocracy Mr. Beaumont writes:

“In general, every aristocracy contains within itself the corrective which tempers, if it does not arrest, its aberrations and its selfishness. It usually happens that the very class which does not love the people fears them, or at least has need of them; it then performs from calculation what it would not do from sympathy. It does not oppress too far through fear of a revolt; it spares the natural strength from which it derives profit; it may even happen that it appears generous when it is only clear-sighted and interested.

“The Irish aristocracy has always had the misfortune of fearing nothing and hoping nothing from the people subjected to its yoke; supported by England, whose soldiers have always been at its disposal, it has been enabled to give itself up to tyranny without reserve. The groans, the complaints, the menaces of the people have

never tempered its oppressors, because popular clamor had for it no terrors. Did insurrection break forth in Ireland? The aristocracy of the country never stirred; it was English artillery that subdued the insurgents; and when every thing was restored to order, the aristocracy continued to receive the revenue of its lands as before.

“The Irish aristocracy has exercised an empire of which no other country furnishes an example; during six centuries it has reigned in Ireland under the authority of England, which abandoned to that body half the advantages of its dominion, and spared it all the expense. Furnished with rights, privileges, and constitutional guarantees, it has employed all these instruments of freedom to practice oppression; Ireland has thus been constantly the prey of two tyrannies, the more dangerous, as they naturally protected each other. The Irish aristocracy regarding itself as the agent of England, for that reason granted itself absolution for all its excesses and its personal injustice; and England, whose rights this aristocracy exercised, was contented to throw upon that body the blame of any abuse of its power.”

The principal outrages in Ireland were agrarian; they were committed by assemblages of ejected tenants, of unemployed laborers, or of unfortunate Catholics goaded to madness by the taunts, the spoliations, the insolence of an hostile and dominant church sustained by the bayonets of Britain. M. Beaumont proceeds to show why the Catholics, driven from their estates, driven from the practice of the law and of medicine, driven from mercantile pursuits, were forced to become the tillers of the land, as the tenantry of their oppressors; he however neglects to state that in order to deprive them of any beneficial interest, in the soil, their leases could not extend beyond thirty-nine years, and any Protestant may demand possession by paying the Catholic an additional rent equal to one-third or that reserved by his landlord. This is one of the great causes of the Irish rack rents.

“A time came when all these lands were occupied; and this was not long coming, for all the Catholic popu-

lation excluded from public employments, liberal professions, prohibited from becoming proprietors, incapable through poverty of engaging in commerce or manufactures, even if it had not been prevented by the political condition of the country, having absolutely no career open but that of farming—this population, I say, precipitated itself on the offered land, and overwhelmed it as the overflow of a torrent soon covers a vast plain with its waters.

“But in a country where the land is the sole means of existence, what is the fate of those to whom land is wanting? What becomes of an ejected tenant, if he can find a farm no where else? What is to become of his children? Here is a little plot on which a poor peasant procured a tolerable subsistence; he has five children (an inconsiderable number in an Irish family;) his only thought and his only ambition is to find a farm for each; but he cannot succeed, because all the farms are occupied. What, then, is to become of his children? Observe that the question is rigorously put; for tillage, as I said before, is the only resource, the only available employment to an Irishman, and yet the land fails him. Nevertheless employment is more wanting to the poor in a country where the rich possess no charity. The peasant must possess a plot of ground or starve.”

Here is the key to discover the origin of Irish turbulence. I shall describe to you one of my last transactions in Ireland. I was in attendance upon an unfortunate convict who was hanged for a murder at which he was not present, but who actually belonged to a body of men who had robbed many houses of arms, and who were associated for mischief. I requested of him to enable me to meet with their leaders, so that I might be able to make an effort to reclaim them. He did so upon the condition that I should not directly or indirectly reveal their names. I met one of their principals and he confirmed me in all that had been previously stated by him who gave me the means of meeting him, but whose body was then under the dissecting knife of the surgeon, though I had not told my new acquaintance one syllable of the revelations of the other.

We stood near the dusk of a fine evening, upon the borders of a stream, upon as fertile a spot as my eye has ever rested upon. "Behold," said he, "that ruin over; it was the house in which my father was born, in which I first saw the light, in which my five children were growing up and I was to the knowledge of every one industrious and moral. During the war, the prices of produce were high, and I continued as my father had done to pay my rent punctually and to keep my family as well as I could. Had we a bad harvest the loss was mine, the landlord perhaps gave me a little credit but my arrears could be soon cleared off. Peace came. No effort of mine could make the rent, nor would the landlord make an abatement. He told me that he knew I could not pay at the present rate of the market, and that he saw no prospect of a change, and asked me for the land, saying he would cancel the arrears. I told him he should have as much from me as he would get from any other. He answered that tillage would not pay, that he would lay down the ground in pasture, that one herdsman and his family would be sufficient where I had my own family and those of six laborers to be supported. I acknowledged the truth of what he said, but asked how my family was to live. I could get no ground, and was I to starve. This, he said, was no concern of his. I hesitated, a process of law ejected me for arrears: my furniture was sold for the costs; my family and those of my laborers were turned out on the road by the sheriff, and our houses were torn down, lest we should return. I sought in vain for land. I offered ten guineas (\$50) for leave to cultivate an acre of potatoes, to keep my family from starvation—no one would give it, as the landlords resolved to have as little tillage as possible. A dozen of us similarly circumstanced assembled one night and dug up the ground to render it useless for pasture, we offered the same price as before, we were refused. Soldiers and police were placed to watch the grounds. A spirit of recklessness took possession of us. We sought for arms to protect ourselves. We could get them only by robbery; we robbed, and unfortunately some who sought to defend

their houses were murdered. We are torn by remorse, we are useless to our families, we are obnoxious to the laws. You shall have the arms, but we are unknown, make for us any terms but that of giving our names; but if you once betray us, though we should receive a present pardon, we shall be the victims of future vengeance."

This is from my own knowledge, the history of most of the agrarian disturbances of Ireland. My soul is harrowed when I recollect what I have witnessed. It is needless to say that my efforts with the administration of the Tory Lord Talbot, were fruitless. Oh, sir, what I have seen and known of the doings of the Tory leaders in England and of their underlings in Ireland would, were I to relate it, make your limbs shudder and your eyes almost weep blood for "the beautiful but blighted island which gave me birth." I can well understand why one of them is truly called a "Joseph Surface" and I can judge of the value of that piety which others profess. It is the deep sense of religion which restrains the passions and the hands of those who profess my religion in Ireland, and I am far from blushing for the men who having suffered so deeply are thereby so restrained as to commit so little.

A better time, I hope, approaches. I know the facts which the editor of the Southern Reporter describes, and upon their truth and the good providence of a just and merciful God I rest that hope.

The editor in his paper of August 27th says:—

LORD WHARNCLIFFE stated, in the House of Lords, his conviction, produced by the inquiry before the committee of which he was chairman, that there was arising amongst the landlords and amongst the richer classes generally, a better moral feeling than had existed in Ireland some years ago.—Now, though the conduct of the Courtowns, the Lortons and the Berresfords goes far to contradict this statement, and to overthrow any such impressions, yet we confess we see some symptoms which lead us to believe that a better feeling is springing up among the more intelligent portion of our Protestant countrymen.

And again—there is, we are glad to perceive, a stronger symptom of this feeling of approximation springing up amongst the more respectable and considerate of our Protestant fellow-citizens. It is well known that, within a few years, all places, offices, and patronage which the government could bestow—all the honors and emoluments which the institutions of the country offered, were altogether confined to the favored class professing Protestantism; it was, therefore, not surprising that, under the first excitement which altered circumstances produced, a large portion of the Protestant community should have placed itself in a hostile attitude towards the rest of their countrymen, and, under the banners of conservatism made an effort to preserve a portion of those exclusive privileges and advantages which the spirit of the age was wresting from them, or at least distributing with more impartiality amongst all classes. This deprivation produced a very embittered feeling, and a fierce collision with the people was the consequence. But when the rational portion of this party began to perceive how useless was this contention—how inconsistent it was with the spirit and intelligence of the age to continue a hopeless struggle for the exploded principles of ascendancy on the one hand, and oppression on the other—and, moreover, when they saw that the most precious privileges for which they were battling were already taken away, and that nothing of exclusiveness was still preserved to them, excepting that of holding office under those “faded and fallen” nuisances, which all parties despised, and with which no one is now desirous of being connected—when the intelligent men of the party saw this, and saw moreover, that the people were but struggling for their just rights, and seeking for equality with England peaceably and loyally—they began to reflect that the time was come to relax this hostility to the large body of their countrymen, and if they were not prepared to join in the battle for justice for Ireland, at least not to continue longer in this hostile attitude against their common country.

This growing feeling amongst Protestant fellow-citizens—for we confine our observations within the sphere of our local knowledge—has of late produced some dolorous complaints from the *Constitution*. That journal knows full well that its career is over the moment that Orangeism and religious intolerance get out of fashion; and, therefore, is it making every effort to keep alive that rancorous hostility between the two political parties which can alone preserve amongst its ultra Orangist supporters a sufficient number for its purposes.

This too will explain the tone of the Blackwoods, and your other Tory instructors.

Now, sir, I shall endeavor in a day or two to close, so far as I am concerned, this lengthened correspondence by giving you my defence of the Catholic clergy of Ireland.

I have the honor to be, Rev. sir,

Your obedient, humble servant,

†JOHN, *Bishop of Charleston.*

Charleston, S. C., Oct. 14, 1839.

From the *Courier* of October 17, 1839.

To the REV. RICHARD FULLER, Beaufort:

REV. SIR:—I am not disposed to believe that every charge made by your Orange teachers against the Irish Catholics is pure malicious fabrication. I once knew a man who told, for amusement, some wonderful stories, which after some years, by dint of repetition, he actually began to believe were true. I also knew others who said that although what they stated was to themselves very strange and extraordinary, and quite unlike any thing that had come under their own observation, yet it must be true because they heard it from several, though no individual of the several could give a better reason

for his own belief. However, the London Morning Chronicle gives a solution which I think is entitled to great consideration.

“There is one point, and that of no small importance, which, we think, has been abundantly established by the evidence before the lord’s committee on the state of Ireland: we allude to the dread of the great bulk of their fellow countrymen that haunts the guilty minds of the Orange party. It is this that stuffs their imaginations with phantoms of plots and massacres; it is this that dresses up every paltry combination of ignorant ploughmen or unwashed artificers in the frightful garb of treason against the State. ‘Conscience makes cowards of us all;’ and the only sign of conscience that we have ever been able to detect in the behaviour of Lord Roden and his party, is, the fear of a fierce retaliation engendered by the recollection of their multitudinous persecutions and oppressions. There is no coward like the deposed tyrant, or the driver without his lash. You cannot convince the conscience-stricken Orangeman that vengeance is not in store for him: he despairs of mercy, having never shown it: he will not believe that the Catholics have forgotten, or can forgive, the accumulated wrongs of a hundred years. The dangers at which he quakes are the spectres of the cruelties he has inflicted. His hand is against every man, and he dreams that every man’s hand is lifted against him.

None have such lively faith in the doctrine of moral retribution as these craven-hearted despots of the Orange sashes—themselves the furious persecutors of conscience—themselves the ruthless scourges of their country—themselves the very spirits of monopoly, and the sworn enemies of public liberty. Not unnaturally do they anticipate repayment in their own coin—not unnaturally do they see grim visions of Popish bigotry, and dream dreams of Ribbon outrage. The party whose chiefs, whose very clergy, called aloud, within our own recollection, for ‘the extermination of the bloody Popish rebels’—the party which, not two years since, solemnly commemorated and held up to admiration and imitation

the most sanguinary and diabolical of its almost countless aggressions upon the lives and fortunes of their Catholic fellow-subjects—such a party, we say, not unnaturally apprehends the raising of a war whoop against themselves. They think it probable that amongst the Catholic priesthood may be found some Mark Beresford, and amongst the Catholic gentry some likeness of a Colonel Verner. Capable themselves of drinking the memory of the Diamond massacre, they believe the Catholics no less capable of filling to the toast of Scullabogue.

This is the explanation of the horrible Ribbon chimera which rides the distempered fancy of Lord Roden, as a night-mare bestrides a surfeited and snoring bishop. The monster is nothing but Orangeism dressed in green; the Protestant ascendancy, with a cardinal's hat instead of a prelate's mitre, and a pike in the desperado's hand, in place of the sword of state, or a yeoman's musket.—Deck Colonel Verner in green favors, and you behold a Ribbonman; trick Lord Roden in knots and favors of the same plebian hue, and straightway the head of the Ribbon directory stands before you. Every atrocity charged against the Catholics has an Orange precedent; every wicked design they are suspected of has been either actually executed or daringly attempted by their false accusers. Not a solitary feature of the imaginary Ribbon conspiracy that is not a faithful copy from the terrible realities of the Orange lodges; the unlawful oaths—the blasphemous rites—the mysterious signs—the obscure pass words—the traitorous designs—the illegal meetings—the secret possessions and murderous use of arms. None but Orangemen could have forged such a fiction as the Ribbon plot. It is the exact reflection of their own treasonable and sanguinary confederacy.—Ribbonism is a romance by an Orange novelist, founded upon the revolting history of his own detested party.”

Now if this be true, the conduct of the parsons would account for the libels on the priests.

No body of men were more exposed to insult and to danger within my own recollection than the Catholic

clergy of Ireland. I have in discharging my duty on board the convict ships been grossly ill-treated, and even the Orange administration of the Duke of Richmond, whilst it thanked me for the mode of performing that duty, was obliged to interfere with its own underlings to protect me from the worst molestation, though it could not save me from afflicting sickness, wantonly produced by the vengeful cunning of those whom it restrained. I have been deprived of my just emoluments by the dishonest mode in which Orange grand juries constructed their presentments for that express purpose, and it was so remarked to them by the Protestant Judge who presided in the Court upon hearing their own statement. I have been insulted in the public streets of my own parish, by the wanton aggression of Orangemen, whilst I was on my way to visit my dying Parishioners, and I had to evade the enquiries of Catholics upon the subject that thereby bloodshed might be prevented. I had to arise on two successive nights, at the most silent hour, to endeavor to gain access to a poor dying female, who was beseeching my ministerial offices, whilst she was watched by an Orange guard, who had sworn to massacre any priest that should approach her. I gained admittance by stealth, whilst the outer sentinels were withdrawn for refreshment, and those within were overcome by sleep, and when I had administered the sacraments, I had to trust to a kind Providence, and wait an opportunity of escaping, which, with great difficulty, I effected. I had at the very moment when I was said to be engaged in organizing insurgents, been employed in soothing the feelings of men driven to desperation by famine, by oppression, by sectarian hatred and by pampered insolence: and when I recount this of myself, I but endeavor to delineate the manner in which I knew every priest in the diocese was engaged. And yet Blackwood styles the Priests of Ireland, the agitators of mischief the instigators of the rabble to the worst violence. They are called "surpliced ruffians," and are designated by every other name of reproach which can be culled from a vile vocabulary.

As an instance of recorded fact is better than any general description, I shall give one, as it is found upon the public prints of the City of Cork, at the assizes held there, in the month of July in the present year:

“Amongst the various arts which are put in practice by the enemies of this country, in order further to inflame the prejudices of the Protestant community here and in England against the Irish people and their religion appears prominently a general, and it would seem a concerted, system amongst the Orange press, of unblushing fabrication against the Catholic clergy—not alone that description of falsehood which is called ‘exaggeration’—not the *suggestio falsi* and *suppressio veri*, but pure undiluted invention, put together for the purpose of disparaging the character of an exemplary and unobtrusive class of men.

Not a day passes without exhibiting proofs of this disgusting system of individual persecution in order to gratify the appetite for slander, which unhappily, exists amongst the intolerant Orange party. Moral guilt, no doubt, attaches to the unprincipled fabricator and to the more unprincipled publisher; but what are they but the instruments of that portion of the public who encourage by their countenance these infamous libels? They are but working in their vocation for subsistence or for profit, the principles in their crime are those for whose gratification it was committed. These publications are indications of the feelings that pervade a certain section of the community. If persevered in, they must ultimately lead to retaliation, and retaliation of the severest kind, because supported by truth. Of the clergy of seven millions of people, so exemplary is their conduct and so universal the adherence to the moral and religious maxims which they teach, that the Orange press is forced absolutely to fabricate libels in order to pander to the intolerance. Were we to retaliate, such practices need not or would not be adopted by the liberal press.

This system of individual exposure we should very unwillingly follow; for we have always preferred fighting the battle of the country on broad and general principles,

rather than descend to personalities. But if the people, exasperated by increasing attacks on their clergy and their religion, demand of us to carry this species of warfare into the enemy's camp, it must and will be done.

It was these goading falsehoods that produced the Catholic Institutions in England—that roused the spirit of resistance and religious agitation amongst the peaceable and lethargic Catholics of that country, which bids fair to shake the foundations of the church by law established. Let them beware how the same religious feeling be roused in Ireland. The Irish are naturally a tolerant people; they were tolerant to their Protestant fellow-subjects when bigotry and persecution were the fashion. Instance Mary's reign; but even the worm will turn when trampled on, and it is not in human nature that the people can much longer endure the contumely heaped on them without putting into action severe retaliation.

Amongst the propagators of these attacks against the Catholic clergy, the most industrious and unblushing is the *Constitution*. It was said by Burke that fabrication is a perennial spring; and we have certainly ample proof of the justness of that observation in the columns of that paper; but one of the most daring fabrications it put forward is contained in the following report of an appeal case before Mr. Sergeant Green in the city court, on Wednesday:

“Shortly after 9 o'clock, Mr. Sergeant Green entered the court, and proceeded to hear the remaining civil bill appeals. One of them was for £3 worth of whiskey that was purchased for a wedding. It appeared that a young woman, named Donovan, was affianced to a country boy, named Barney Roche, and a night was appointed for the marriage. Miss Donovan, accordingly, procured a quantity of whiskey for the happy occasion, and the *soggarth* was in attendance to tie the knot. The expectant bride, priest, and company waited from hour to hour, but cruel Roche did not appear, and at length his reverence, after taking a few tumblers, having got rather boozy, went to bed, but in the course of a short time awoke, another person having proposed for Miss Donovan. The

priest, accordingly, rose and spliced them. The cause of action arose on these grounds, that a number of Roche's friends, who were invited by him, partook of the whiskey, and it was also sought to show that Roche was the person who ordered it. The defence set up was that the priest got rather boozy, and went to bed before faithless Barney had arrived, and refused to get up to perform the ceremony. At this Barney became offended, and went off—and when he returned found that Kitty was the wife of another. After a trial that excited great merriment throughout court, his lordship decided that Barney was not liable for the drink."

We have called this a daring fabrication, for it purports to report what occurred in a crowded court house, in the presence of an intelligent and upright judge. To the truth or falsehood of this report, hundreds could testify, and yet will it be credited that there is not a single particle of truth in the statement respecting the clergyman; it is pure, unmixed fabrication; it is an assassin's blow at an unoffending gentleman, without the slightest provocation, in order to administer to the rabid feelings of the party.

"The very fact of the clergyman's name not being mentioned proves the statement false; for could it be supposed with even a glimmering of truth, the respectable gentleman's name would surely be blazoned to the world."

This article appeared in the *Cork Southern Reporter*, of July 27th, of the present year. In the same paper, of the 3rd of August, five or six similar outrageous falsehoods are noticed, and in relation to the above article the following remarks are given:—

"This daring fabrication suggested the article in last Saturday's *Reporter*, which the *Constitution* found it necessary to notice on Tuesday, and to try and excuse the assassin's blow which it had aimed at the 'priest,' in order to administer to the rabid feelings of its party:

The *explanation* was this:—

"We have referred to our reporter, and his explanation is, that having been engaged in the county Court, he

entered the City Court while the case was in progress—that the general facts he obtained from the statement of the last witness, while that respecting the “booziness” of the Priest he *inferred* from an expression of one of the Attorney’s “my lord they were *all* drunk”—but that, after the statement had been published, having been apprized by one of the agents (Mr. O’Connell) that the Priest was not drunk, he informed that gentleman that if he would take the trouble of writing a letter to that effect it would be inserted.”

“The insolence which characterises this explanation is in keeping with the total disregard of truth which pervaded the statement itself. A Catholic Clergyman is represented under the most discreditable circumstances, and when the falsehood is detected, the reparation offered is—if the Attorney would write a letter stating that the priest was *not* drunk, it should be inserted. When an injustice is *unintentionally* done to an individual, atonement correspondent to the extent of it should be made; but this good principle is disregarded by the *Constitution*, when it comes to deal with a body whom it is every day traducing. It will be caught in a position, when like the Limerick libellers, contrition will be extorted from it.”

Insolence of this description is not confined to Ireland; it abounds at this side of the Atlantic. The Catholic clergy are quite familiar with the process, and they expect naturally that as soon as they shall have exposed one fabrication, they shall be assailed with another and with a spirit of progressive incivility and canting vituperation, even occasionally mingled with prayer and preaching. I could, sir, give you many a goodly specimen from a crowded shelf which contains productions of this kind from almost every State in our Union.

It is time, however, to bring my observations to their term, and I shall furnish my readers with the last evidence that I shall produce to show why I should not blush for the professors of my religion in Ireland. Their clergy have been accused of meddling in the politics of the country. They have done so, and in Ireland it was their duty so to have done. They have been accused of

causing their flock to vote against the party of their landlords at elections. They have done so and so they should have done.

What are Irish politics? A question is agitated in a variety of ways, which resolves itself into this, "shall a Protestant Oligarchy be sustained to have exclusive possession of the Government and wealth of the country, and to persecute the Catholic population of the land?" The Catholic clergyman who would regard this question as not belonging to him, would be a renegade and a traitor. He would be despised, and deservedly despised by the very Oligarchy that would reward him for his treason and affect to praise him for his Christian spirit! Who are the great bulk of the landlords of Ireland? The Protestant aristocracy:—the worst of enemies of Civil and Religious liberty: Ask Beaumont, ask Montalembart. Ask the ejected tenant, ask the widow that mourns over the corpse of her murdered son. Ask the pages of Irish history. They can but faintly tell you what this worst curse of that "beautiful, but blighted island," is too well known to be. The Catholic tenant who would vote to sustain the system of such a landlord would rivet the chains of his own servitude, would call down the reproaches of his own children, would deserve to feel the galling of his slavery, and to have his soul pierced and gnawed by the mocking taunt of every friend to freedom and to justice. It is the duty of the Irish Priest to preserve his flock from every species of delusion; and whilst he uses his just influence to restrain them from violence and outrage, to encourage to the free, rational and independent use of that franchise which the constitution of their country has bestowed upon them, not for the aggrandizement of the worst faction that ever existed, but for the preservation of public liberty and for the welfare of the nation. This use of their influence has given to Ireland that weight in the British Parliament which has sustained liberal principles, enabled an interesting young queen who desires to preserve the liberties of the realm, to rebuke the insolence of the Tories, who would use her as a puppet whilst in her name they ground her peo-

ple. The Catholics of Ireland have hurled the confederates of the king of Hanover from their high places and their peculation and their tyranny, and hence they have the full measure of excreation from the British and the Irish Tories. Hence it is that Blackwood is hired to calumniate them. And is it for this that they have the contempt of the Rev. Richard Fuller, of Beaufort—a republican citizen of the United States!

The Belfast Vindicator, a Protestant paper, speaking the sentiments of a respectable portion of the Presbyterians of Ulster, says—"The Catholic clergy have taken part in politics: but their exertions have been uniformly directed to the removal of social grievances, the spread of education, the promotion of industry and the national wealth: in a word, the good of the people."

Why should I blush for such a body? Well may those who calumniate and vilify them redden!

I shall now give the sworn testimony of the Protestant police of Ireland, in their examination before the House of Lords, to show that I have no cause to blush for the professors of my religion in "that beautiful but blighted island, that gave me birth."—An Irish paper of August 22d, says:—

"Although large portions of the evidence taken before this Committee have been published in some of the Newspapers in England and in this country, the extracts have been in some instances so shamefully garbled as to present the most distorted representations of the general tenor and tendency of the aggregate testimony, while in the unconnected form in which the selections not subject to this objection were offered, it was impossible to collect more than individual opinion upon some particular point or subject of the enquiry. It is considered desirable, under these circumstances of dishonest distiction on the one hand, and of necessary incompleteness on the other, that an analysis of the entire evidence taken before the Committee should be prepared, presenting, under different heads, all the matters investigated, and the testimony of the several witnesses bearing upon each. This work has been undertaken by competent hands, and that it will prove a labo-

rious one may be inferred from the fact, that the evidence is spread over 1336 folio pages, contained in three volumes, which have just been issued to the members of the House of Commons. As but few persons, even if there were general access to these volumes, would take the trouble of wading through them, and fewer still would carry in their minds the evidence given by the different witnesses on the several topics of the inquiry, the utility and advantage of such an abstract as we have described will be obvious, and we have much satisfaction in stating that we hope to be enabled to present it as it is prepared for publication in London.

After enumerating several heads it proceeds:—

CONDUCT OF THE ROMAN CATHOLIC CLERGY IN RESPECT TO

1 Crime in general.

2 Ribandism.

These are the headings under which the forthcoming analysis will appear; and though out of order, we select the latter of them—that which relates to the conduct of the Catholic clergy—as the first for publication, because we believe upon that subject there has been more misrepresentation and calumny than any other. While the miserable little local scribblers have been making impotent efforts to damage the character of this body, the concurring testimony of every witness examined before a select committee of the house of Lords, attests the value and importance of their services.

CONDUCT OF THE ROMAN CATHOLIC CLERGY.

347; 353—Colonel Shaw Kennedy states that the priests in Longford and generally through Ireland, have used their influence for the prevention of crime.

821, 822, 823, 824 to 827—Major Warburton says, “I have received great assistance from them; they have been generally very anxious to assist in preserving the peace, and discovering the perpetrators of crimes, and have given previous notice of offences about to be committed.”

Capt. Despard states that the Riband system has been dormant for a considerable time in some parts in consequence of the exertions of the Roman Catholic clergy.

3224—He heard from the priest that some person with whom he had remonstrated had given up the society.

3260—The Roman Catholic clergy in Meath used efforts beyond the common to put a stop to it, yet it was still progressing, and that which they can't stop must, in the opinion of the witnesses, be very bad.

3450—He says that he could give many reports of the efforts of which he had been speaking made publicly in the chapels from the altars. One Ribandman told him he had not been to confess for many years—another told him that he was obliged to leave the system, as the priest would not hear his confession. Another instance is stated to the same effect.

4032—Captain Despard states that one of his informants and some other persons had quitted the society because the priest would not give them the sacrament, or hear their confessions, or visit them on their death beds; that they were assaulted for leaving the society, and obliged to join the Billy Smith's in their own defence.

9392—Captain Warburton's testimony is to the same effect.

3283—Captain Despard states that the priests have made a "steady resistance" to the Ribandmen going to confession.

3287—Where the Ribandmen are the most numerous the priests are the most anxious to put an end to them. The system puts an end to the power of the priests over the population.

3449—He believed that they look to the increase of the system with the greatest alarm.

3452—Parish priests and curates have equally expressed their horror of it.

3448—Both classes of the clergy have shown the greatest anxiety to assist in putting down all disturbances.

4010 to 4011—Mr. Vignolles says that whilst engaged in prosecutions he had received very great assistance from the Roman Catholic priests, and that latterly.

4023—Captain Despard states an ineffectual attempt made by the Rev. Mr. Newman, R. C. curate of Courtown, in Meath, to induce a body of men to disperse.

4072—States that a Roman Catholic clergyman has sworn before him an information which is to be prosecuted at the next assizes, regarding a proposal to shoot a gentleman 19 miles off.

906—Mr. O'Ferral says that he has known Roman Catholic priests denounce the society from the altar.

4,984—The Roman Catholic priests always co-operate with the authorities in discountenancing Ribandism—he never knew it otherwise.

4,966—He believes it is very much their interest to discountenance the system.

7,457—Mr. Barrington says, "We have often received information from them."

8,458—In the late disturbance in Clare the priests did every thing to put them down.

10,157—Mr. Howley states that the Roman Catholic clergy have always, as far as his experience goes, endeavored by their influence to prevent crime, and that they have shown extreme anxiety to keep the people from acts of riot and tumult.

10,455—Mr. Peed says, "The only case of Ribandism on the home circuit is one on the information of Dr. O'Riley, the parish priest of Newan."

10,851—Mr. Cahill says, "The amount of crime is greatly reduced by the influence of the priests, and but for that influence there would be in Tipperary a much greater quantity of crime than there is at present. The priests are the best agents against the commission of crime—they use every exertion to suppress it."

13,254—Mr. Drummond says, that the "Shamrock society in Sligo was discovered by the Roman Catholic dean, who went and kept them in the house until the provost, Fawcett, arrived and arrested them."—The conduct of Mr. Dunleary, the parish priest, was so very laudable that he ought, in the opinion of the inspector, to receive the thanks of the lord lieutenant.

13,368—The Ribandmen are publicly and constantly denounced by the Roman Catholic clergy.

13,374—They have, according to all the reports, which Mr. Drummond has received, strongly denounced Ribandism wherever it existed.

13,375—Captain Warburton was able to bring the perpetrators of an outrage to justice solely through the informations given by a priest and through his valuable and meritorious exertions, for which he received the special thanks of the lord lieutenant. Mr. Drummond concludes by saying, "I ought to add that the constabulary reports abound with instances of exertions made by the Catholic clergy, both with regard to the Riband societies and to every other cause which tends to a violation of the laws. I cannot therefore express myself too strongly when I am questioned as to my belief in their sincerity.

13,932—The Roman Catholic curate of Monaghan warned his parishioners in the chapel not to join in these societies.

13,992—Mr. Drummond says that the conduct of the Roman Catholic clergy as far as it has come within the observation of government, has always been most exemplary.

13,998—They have denounced Ribandism wherever it was known to exist.

14,005—Forty stand of arms were found in a search by Captain Warburton. The success of the search was entirely owing to information furnished by the Roman Catholic priest, of whom Captain Warburton spoke in terms of the highest praise.

14,528—S. Jones, a magistrate, says, "I have in many instances received the greatest possible assistance from the Roman Catholic clergymen in the preservation of the peace. I can cite instances of it if your lordships please."

14,529—He says they did supply the means of prosecuting to conviction.

14,530—He acted on such information and several men were convicted.

14,531—He received assistance from them in every instance where they could afford it.

14,784—Mr. Ford says that he has always invariably known them to denounce all secret societies.

14,783—And endeavor to prevent crime.

14,909—He has known them to give such information as to prevent the commission of crime.

In addition to the above interesting summary, will be found in the first page, a large portion of Mr. Drummond's evidence in reference to these Riband societies, in which he gives most conclusive testimony as to the exertions of the Catholic hierarchy and clergy in uprooting illegal confederacies."

Here, sir, I conclude. I leave before our readers what I have by a sense of duty been compelled to write. They who have had the patience to follow us will each for himself determine—

1st. Whether the Roman Chancery ever passed a statute making assassination and murder, and prostitution and every crime, subjects of license and taxation, and regulating the price at which each might be committed?

2d. Whether the Protestant editions of the Roman Tax Book are true copies of that work or have been glaringly interpolated?

3d. Whether you have adduced any evidence to sustain the charge against Sixtus IV., that he established brothels in Rome in order to put a tax upon them?

4th. Whether the third Council of Lateran made not only falsehood but perjury a virtue on behalf of the church?

5th. Whether G. S. Faber was guilty of dishonestly garbling the 16th canon of the third Council of Lateran?

6th. Whether the Council of Lateran taught as an article of Catholic doctrine that heretics are to be persecuted and destroyed?

7th. Whether it is a doctrine of the Roman Catholic Church that the Pope has the right and power by divine institution, in virtue of his office, to depose princes and to absolve subjects or citizens from the obligation of their allegiance?

8th. Whether the Pope and Council of Constance violated their public faith given to John Huss?

9th. Whether the Emperor Sigismund violated the public faith, pledged by the passport which he gave to John Huss, on his journey from Prague to Constance?

10th. Whether the wretched state of Ireland is to be attributed to the turbulence of its Roman Catholic population rather than the tyranny of their persecutors? And,

11th. Whether the conduct of the professors of my religion in Ireland is such as to call for blushes on my cheek?

Such are the questions which have arisen and been discussed. I am compelled to close, whether I will or not. And even should you rejoin upon any of those topics or introduce a new one, it is probable that I shall not be in this city when your remarks shall appear. My duties call me away from it immediately, if by any effort I can make arrangements to permit my absence. And even should I remain, or upon my return, other indispensable avocations will allow me no leisure, for some time, to write. This is therefore probably the last time that I shall address you. I desire that our separation may be in charity and peace. To our readers I leave to judge of the value of our productions: to that God who is to judge us, I commit the cognizance of our acts and their motives; whilst, for the last time,

I have the honor, Rev. sir,

To subscribe myself,

Your obedient, humble servant,

† JOHN, *Bishop of Charleston.*

Charleston, (S. C.) October 15, 1839.

P. S. I had just made up the above letter for the Courier office, when I received the 58th No. of the "Baltimore Literary and Religious Magazine," for October, 1839, conducted by the Rev. Robert J. Breckenridge, D. D., and the Rev. Andrew B. Cross. I do not know to whom I am indebted for the valuable gift. However, the following specimen of its literary and religious pro-

ductions will serve to illustrate one of my observations respecting the religious press in this country; it may gratify you to perceive how your services are appreciated, and it will probably edify some of our readers.

October 16th, 1839.

THE TAX BOOK OF THE ROMAN CHANCERY.

JOHN † (*dagger*, no bad emblem of a persecuting Jesuit, or of an Inquisitor General of the Pope for the U. S.) *John Dagger*—if that be the name he prefers, to his own, John England; is getting terrible misused about the *price of sin* in his pure sect. The Rev. Mr. Fuller, a Baptist minister of South Carolina, used some expressions not very reverential, in a Temperance memorial, and illustrated some position by the *price of sin* in the bosom of “holy mother,” when down came John *Dagger* England, in full pontificals, upon him, and through him upon the whole Protestant community. The worthy Bishop having long ago convinced himself that he has not a single sense which is worthy of the least credit in any thing it asserts, no doubt supposes every body else has the same sort of sense, and is as easily befooled as himself. And as the two things he is represented to love most, viz: good papal doctrine, and good liquor, were getting into trouble together, the paternal bowels of his lordship were moved to an unprecedented degree. In this paroxysm he has undertaken to prove, that all the world has been in error for about *four hundred* years on the subject of *Indulgences*, and other points therewith connected; that the whole sum of human testimony, immense as it is on those subjects, proves nothing; and that he, John *Dagger* England, is just about the chap, that will set all the affair in its true light, and redeem at once liquor and papism from all suspicions and taint.

There was once a man sued for damages done to a kettle which had been loaned to him—as it was alleged, and cracked in his service. His defence was: (1) That he had never had the kettle at all; (2) That the kettle had a crack in it when he got it; and (3) That it was sound when he returned it! This is a syllabus, *mutatis mu-*

tandis, of Bishop England's argument as published in the Charleston papers—about the "*Tax Book of the Roman Chancery*."

The Roman ecclesiastics in this country, as over the earth, seems to have really lost all capacity as well as all erudition. They can neither speak nor write; and are as a body, of the most deplorably deficient even in professional attainments, of any other class in the community. This is the fifth or sixth of them who has come forward of late years in this country, to be immolated in honor of 'holy mother.' May we not soon expect the honor of seeing Mr. Eccleston take to the quill or the rostrum? His canonicals fit him by this time, we suppose?

Our principal object in noticing this matter, at present is to say, that as Bishop John *Dagger* England, says the "*Tax Book of the Roman Chancery*" is spurious and forged—we will, as soon as we can command the leisure and space, publish the principal chapters, if not the whole of the book, in the original Latin and with a literal English translation, in successive numbers of this magazine. We suppose the book itself is the best possible answer to his arguments against its being; as well as a full explanation of his reasons for denying its authenticity.

This is a bad country to *sell sin* in; and therefore the rate of exchange of the Roman Chancery don't need to be exposed to vulgar eyes. A little traffic, in a quiet, honest way, suits the present state of things better. It is a *hard money* business as yet; and the "*Banque du Pape*"—is therefore repudiated. We have two copies lying before us.













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